

# Case Preparation: Gochin v. Lithuanian State

## *Memorandum of Instructions to Lithuanian Counsel*

Prepared for domestic filing and subsequent proceedings before the European Court of Human Rights and, where applicable, the Court of Justice of the European Union

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### **I. Subject and Scope**

1. This memorandum prepares for litigation arising from the administrative refusal, dated April 8, 2026, by the Lithuanian Genocide and Resistance Research Centre (hereafter, **LGGRTC**) Council to accept the candidacy of the undersigned applicant for the position of Director General. The refusal is recorded at [Exhibit E](#). The refusal forms the immediate administrative act under challenge. The wider conduct of the Lithuanian State and of the LGGRTC — including the institutional pattern of historical falsification examined in Part VII below — forms the substantive context in which the administrative act must be assessed.

2. The intended forum strategy, as set out in Part VI below, commences in the Vilnius administrative courts and proceeds, upon anticipated dismissal, through the Supreme Administrative Court of Lithuania, to the European Court of Human Rights (hereafter, **ECtHR**) in Strasbourg, and, where grounds permit, to the Court of Justice of the European Union (hereafter, **CJEU**) in Luxembourg by way of preliminary reference under Article 267 TFEU or by infringement proceedings initiated under Article 258 TFEU.

3. This memorandum is structured for instruction of Lithuanian counsel. It provides: (I) subject and scope; (II) parties; (III) a statement of facts in numbered paragraphs supported by hyperlinked primary documentary exhibits; (IV) the documentary exhibit inventory; (V) the causes of action under Lithuanian administrative law, Council of Europe instruments, and European Union law; (VI) the forum-and-exhaustion strategy; (VII) the institutional and evidentiary context relevant to standing and to the assessment of the administrative act in its true character; (VIII) the requested relief; and (IX) review questions for instructed counsel.

## II. Parties

4. **Applicant:** Grant Arthur Gochin, citizen of the Republic of Lithuania, resident at Chatsworth, California, United States. Personal archive at [grantgochin.com](http://grantgochin.com). Published corpus at [blogs.timesofisrael.com/author/grant-arthur-gochin](http://blogs.timesofisrael.com/author/grant-arthur-gochin). The Applicant has no criminal record in any jurisdiction, has never collaborated with the security or intelligence services of the former USSR or any successor or analogous regime, has never been a member of the Communist Party of the USSR or any affiliated organization, and is not subject to any legal disqualification from holding public office under Lithuanian law. These declarations are recorded in the formal application at Exhibits B and C below.

5. **Respondent institution:** Lithuanian Genocide and Resistance Research Centre (LGGRTC / Lietuvos gyventojų genocido ir rezistencijos tyrimo centras), Didžioji str. 17/1, LT-01128 Vilnius, Lithuania. Institutional website [www.genocid.lt](http://www.genocid.lt). The LGGRTC is a state body established by statute, reporting to the Seimas, with a legal mandate to evaluate totalitarian regimes, occupations, and crimes committed on the territory of Lithuania or against its inhabitants. Its Director General is appointed and dismissed by the Seimas.

**6. Respondent Council:** The LGGRTC Council (Taryba), whose Chairman is Professor Arūnas Streikus. The Council conducted the selection process at issue, and its Chairman signed both the April 8, 2026 refusal letter at [Exhibit E](#) and the April 20, 2026 nomination of Donata Kabelkė to the Speaker of the Seimas recorded in the press report at [Exhibit I](#).

**7. Respondent State:** The Republic of Lithuania, as the legal person responsible for (a) the statutory framework governing the LGGRTC and its selection processes, (b) the conduct of its state security authorities responsible for the issuance of top-secret clearances, (c) the conduct of its courts in approximately thirty previous actions filed by the Applicant against LGGRTC and its surrounding state architecture (all dismissed), and (d) the conduct of its prosecutors in the pending criminal prosecution of Lithuanian Jewish citizen Artur Fridman, Case No. 02-2-00512-24, described in Part VII below.

**8. Interested third parties of evidentiary relevance:** Dr. Arūnas Bubnys, Director General of LGGRTC at all material times and himself an unsuccessful candidate in the selection process; Donata Kabelkė (also published as Donata Armakauskaitė), Head of the Vilnius Municipality Cultural Heritage Protection Department, selected by the Council as nominee on April 20, 2026; Dovilė Lauraitienė, Director of the Tuskulėnai Memorial Complex, the third heard candidate; the Speaker of the Seimas, Juozas Olekas, as the officer with statutory power to nominate and present the Director General for appointment by the Seimas.

### **III. Statement of Facts**

#### ***A. The vacancy notice***

9. In or around February 2026, the LGGRTC Council published a vacancy notice inviting applications for the post of Director General of the LGGRTC. The published Call to the selection process is hosted at [genocid.lt/centras/lt/4843/a/](https://genocid.lt/centras/lt/4843/a/) (the **Call**). The Call is cited by URL in the Respondent Council's refusal letter at [Exhibit E](#) and is incorporated by reference in these proceedings.

10. The Call imposed, among other conditions: (a) a requirement that applicants demonstrate *impeccable reputation*; (b) a requirement that applicants' prior activity show understanding of the Centre's mission and cultivation of its values; and (c) a requirement that applicants already possess authorization to work with information classified as *visiškai slaptai* (top secret), issued by Lithuanian state security authorities, as a condition precedent to application. The Applicant's contemporaneous structural critique of these conditions was published on February 20, 2026 at [blogs.timesofisrael.com/an-institution-advertising-for-fraud](https://blogs.timesofisrael.com/an-institution-advertising-for-fraud) and is tendered at Exhibit G.

11. Under Lithuanian law and in accordance with standard Lithuanian and European public-service practice, top-secret clearance cannot be initiated by a private individual. It is initiated, processed, and granted by Lithuanian state security authorities upon request from an employing public institution, ordinarily following selection of a preferred candidate. A private individual, and in particular a Lithuanian citizen resident abroad, has no lawful mechanism to obtain such clearance independently of the state's own initiating act. Conditioning eligibility on pre-existing possession of such clearance therefore restricts the field of eligible applicants to persons previously cleared by the Lithuanian State in other capacities, thereby narrowing the applicant pool in a manner that is neither necessary nor proportionate to any legitimate selection aim.

***B. The application, February 22, 2026***

**12.** On Sunday, February 22, 2026, at 14:27 Lithuanian time, the Applicant transmitted by electronic mail to [centras@genocid.lt](mailto:centras@genocid.lt), with copy to four named LGGRTC officials (Aurelija Juodytė, Evaldas Gelumbauskas, Kristina Burinskaitė, and then-Director General Arūnas Bubnys), his formal application for the position of Director General of LGGRTC. The submission was tendered in parallel English and Lithuanian versions. The email chain, including its reception, is at [Exhibit B](#).

**13.** The application, in material part, stated:

*I hereby submit my formal application for the position of Director General of the Lithuanian Genocide and Resistance Research Centre, as announced. [...] I am a citizen of the Republic of Lithuania, currently residing outside Lithuania, and I am fully willing to relocate for this position. I further state, without qualification, that I am willing to serve without remuneration if required. [...] My grandfather fought for the independence of Lithuania as a patriot. I consider it my own patriotic duty to Lithuania to confront and correct errors of the past, to repair institutional damage caused by historical misrepresentation, and to help place the Centre on a path consistent with evidence, law, and ethical scholarship.*

**14.** The application made the four declarations of *impeccable reputation* required by the Law on the Civil Service of the Republic of Lithuania and by the Law on the Lithuanian Genocide and Resistance Research Centre: (i) no collaboration with USSR or analogous security services; (ii) no membership of the Communist Party or affiliated organizations; (iii) no criminal record in any jurisdiction; (iv) no legal disqualification from holding public office. Full text at Exhibits B and C.

**15.** The application formally placed on record the discriminatory character of the top-secret clearance requirement, stating verbatim:

*I note that the vacancy announcement requires candidates to already possess authorization to work with information classified as “Top Secret,” issued by Lithuanian security authorities, prior to application. As a matter of standard Lithuanian and European public-service practice, such vetting is ordinarily conducted after selection of the winning candidate, not imposed as a pre-application barrier. As a Lithuanian citizen residing abroad, I cannot independently initiate such clearance absent nomination or selection. Conditioning eligibility on possession of clearance at the application stage therefore operates as a procedural exclusion, not a neutral qualification requirement. I submit this application notwithstanding that barrier in order to place the issue formally on the record.*

**16.** The application requested, expressly and in writing, four specific confirmations from the Council: (i) confirmation of all documents required at the application stage and the required form of signature; (ii) clarification of whether security clearance was required prior to application or post-selection; (iii) confirmation that Lithuanian citizens resident abroad were eligible on equal terms; and (iv) confirmation that applications would not be rejected on procedural grounds without notice and an opportunity to cure any alleged defect.

**17.** The application further requested that, in the event of refusal, the determination be provided in writing with explicit reference to the statutory or regulatory basis relied upon.

**18.** The full published text of the application, with its bilingual English and Lithuanian versions, was simultaneously made public at [grantgochin.substack.com/p/formal-application](https://grantgochin.substack.com/p/formal-application) (Exhibit H). Publication on the day of submission ensured that the content of the application is preserved beyond the parties' exclusive control.

***C. The Bubnys forwarding, February 23, 2026***

**19.** On Monday, February 23, 2026, at 12:22 AM, then-Director General Dr. Arūnas Bubnys replied by electronic mail that *the selection of candidates for the position of Director General of the Center is organized by the Center Council* and that the application had been forwarded to taryba@genocid.lt. Record at [Exhibit B](#). The transfer of receipt from the institutional inbox to the Council inbox is acknowledged on the face of that communication.

***D. The supplemental submission, February 26, 2026***

**20.** On Thursday, February 26, 2026, at 7:36 AM (being 17:36 Lithuanian time by the cover email header, or 07:36 Lithuanian time by some corresponding server records — to be confirmed by counsel), the Applicant transmitted to taryba@genocid.lt, with copy to four named LGGRTC officials, a supplemental submission in support of his application. Record at [Exhibit B](#).

**21.** The supplemental submission annexed by URL the Applicant's published five-year programmatic framework at [grantgochin.substack.com/p/an-institution-no-one-honest-can](https://grantgochin.substack.com/p/an-institution-no-one-honest-can) (Exhibit F). That framework had been published the same week. It set out, in advance of any decision by the Council and on the public record, the Applicant's prediction that his application *is likely to be addressed through avoidance, procedural deflection, or administrative disposal rather than substantive evaluation.*

**22.** The prediction at paragraph 21 is material. It forecloses any later Lithuanian-state argument that the anticipated procedural defect in the selection process was speculative, opportunistic, or post hoc rationalized by the Applicant. The prediction was placed in the public record before the Council acted. The Council then acted precisely as predicted. The time-stamp and authorship of the publication are verifiable on the Substack platform and in cached copies. Counsel should request, by subpoena or equivalent process during discovery, the server-side timestamp and the contemporaneous cache preservation of the February 26 publication.

***E. The March 6, 2026 re-submission as PDF attachment***

**23.** On Friday, March 6, 2026, at 8:39 AM, the Applicant re-transmitted the formal application as a bound PDF attachment to taryba@genocid.lt and arunas.bubnys@genocid.lt, with copy to four named officials. The cover email stated simply: *Attached*. Record at [Exhibit D](#). The attached PDF bearing the application in its complete form is at [Exhibit C](#). This re-submission forecloses any argument that the application was defective in form of transmission or that it was not properly received.

***F. Silence, February 26, 2026 – April 7, 2026***

**24.** No member of the Council, no officer of LGGRTC, and no representative of the Republic of Lithuania communicated with the Applicant between the March 6 re-submission and April 7, 2026. No written notice of procedural defect was issued. No opportunity to cure was afforded. None of the four written confirmations requested in the application at paragraph 16 was provided.

***G. The refusal, April 8, 2026***

**25.** On Wednesday, April 8, 2026, at 12:29 AM, the Chairman of the Council, Professor Arūnas Streikus, transmitted to the Applicant the following refusal, which is reproduced here verbatim and is tendered at [Exhibit E](#):

*Dear Grant Arthur Gochin, We hereby inform you that your application to participate in the selection of candidates for the position of Director General of the Lithuanian Genocide and Resistance Research Centre could not be accepted because you did not submit all the required documents listed in the Call to the organised selection <https://www.genocid.lt/centras/lt/4843/a/> on time and in the proper manner. Respectfully, Chairman of the Council Prof. Arūnas Streikus.*

**26.** The refusal is, on its face, defective as a matter of Lithuanian administrative law, Council of Europe jurisprudence, and European Union law standards for administrative decisions affecting individual rights. In particular: (a) it does not itemize which of the *required documents* were not submitted; (b) it does not cite the statutory or regulatory provision relied upon; (c) it does not identify the *proper manner* of submission allegedly breached, nor the point in time at which the alleged defect crystallized; (d) it was not preceded by any notice of defect or opportunity to cure; and (e) it responded to none of the four written confirmations expressly requested by the Applicant at the time of application.

**27.** The Applicant's unrebutted belief, stated on the public record before filing any domestic challenge, is that the sole document he was unable to produce was the top-secret clearance, which Lithuanian law does not permit a private citizen to produce. The Council has not stated that the clearance was the missing document. The Council has stated nothing that permits external review. The refusal satisfies the formal requirement of administrative response while withholding the reviewable content that would render external scrutiny meaningful.

## ***H. The nomination of Donata Kabelkė, April 20, 2026***

**28.** On Monday, April 20, 2026, twelve days after the refusal at paragraph 25, the Chairman of the Council, the same Professor Arūnas Streikus, presented to the Speaker of the Seimas, Juozas Olekas, the Council's preferred nominee for the post: Donata Kabelkė, Head of the Vilnius Municipality Cultural Heritage Protection Department. Press report at [Exhibit I](#). The Council's own account states that seven of nine Council members supported the nomination, with one abstention and one recusal on conflict grounds (the recusing member being an employee of LGGRTC).

**29.** The Council heard three candidates: Dr. Arūnas Bubnys (incumbent, not supported by the Council), Donata Kabelkė (nominee), and Dovilė Lauraitienė (Tuskulėnai Memorial Complex). Press report at [Exhibit J](#). The Applicant, who submitted his application first in time (February 22, 2026), was the fourth candidate. The refusal at paragraph 25 excluded the Applicant before the hearing stage.

**30.** The nominee presented to the Council a management plan describing the LGGRTC as *an animal with many heads which need to be made efficient*. She proposed structural reorganization, vertical management hierarchy, increased internal and external communication, integration of art and creativity (with specific reference to the former KGB prison and Lukiškės Square), and a five-year staged implementation plan. The nominee did not, in any reported portion of her presentation, mention the Holocaust, nor Jews, nor any of the institutional determinations discussed at Part VII below. The nominee's published record, examined at Exhibits K–N and at paragraphs 56–58 below, does not include original primary-source research on the Holocaust in Lithuania or on the LGGRTC's contested historical determinations.

## IV. Documentary Exhibits

**31.** Counsel should treat the following items as the primary evidentiary spine of the case. All items are live URLs at the date of this memorandum. Counsel should secure archived copies (e.g., via Internet Archive Wayback Machine and equivalent) prior to filing, to preserve the chain of custody in the event of URL decay.

**Exhibit A.** [LGGRTC Call to the organised selection](#). The vacancy notice, hosted on the institutional website [www.genocid.lt](http://www.genocid.lt) at path [/centras/lt/4843/a/](http://www.genocid.lt/centras/lt/4843/a/). Cited by URL in the refusal letter at Exhibit E. This is the document whose terms allegedly were not met and whose top-secret-clearance requirement constitutes the operative procedural exclusion.

**Exhibit B.** [Email chain, February 22 – February 26, 2026 \(Gmail “Re: Ats.: Formal application”\)](#). Six-page PDF documenting: (i) the February 22, 2026, 14:27 Lithuanian time application email from the Applicant to [centras@genocid.lt](mailto:centras@genocid.lt) with copy to four named officials; (ii) the February 23, 2026, 12:22 AM response from Dr. Arūnas Bubnys confirming forwarding to the Council; (iii) the February 26, 2026, 7:36 AM supplemental submission from the Applicant; (iv) the full text of the formal application in English and Lithuanian.

**Exhibit C.** [Formal Application — standalone PDF as attached March 6, 2026](#). The application in its bound PDF form, tendered to the Council as an attachment on March 6, 2026. Image-based PDF reflecting the application document as the Council received it.

**Exhibit D.** [Cover email of March 6, 2026 \(Gmail “Application for Director General – Grant Arthur Gochin”\)](#). Cover email dated Friday, March 6, 2026, at 8:39 AM, re-transmitting the application as a PDF attachment (Exhibit C), sent to [taryba@genocid.lt](mailto:taryba@genocid.lt) and

arunas.bubnys@genocid.lt with copy to four named officials. Forecloses defense argument that application was not properly received in bound-document form.

**Exhibit E.** [Streikus refusal letter, April 8, 2026 \(Gmail “Ats.: Ats.: Formal application”\)](#). Six-page PDF recording the April 8, 2026, 12:29 AM refusal from Chairman of the Council Prof. Arūnas Streikus. Verbatim text at paragraph 25 above. No statutory basis cited. No documents itemized. No prior notice of defect. No opportunity to cure. This is the administrative act under primary challenge.

**Exhibit F.** [Contemporaneous public prediction of procedural exclusion, February 26, 2026](#). Substack essay “An Institution No One Honest Can Lead — Without Rupture,” transmitted by URL to the Council on February 26, 2026 as supplemental submission. Predicted the exact administrative conduct subsequently performed by the Council. Forecloses post hoc-rationalization defense. Counsel should preserve timestamp and server-side publication record.

**Exhibit G.** [Structural critique of the vacancy notice, February 20, 2026](#). Times of Israel publication “An Institution Advertising for Fraud,” dissecting the “impeccable reputation,” “ideological alignment,” and pre-application “top secret” requirements in the Call (Exhibit A). Published two days before the Applicant's formal application was submitted.

**Exhibit H.** [Published Formal Application](#). Simultaneous Substack publication of the full formal application in English and Lithuanian on February 22, 2026, establishing independent chain-of-custody of the application's content beyond the parties' control.

**Exhibit I.** [LRT news report of April 20, 2026 nomination](#). Lithuanian Radio and Television report dated April 20, 2026, reporting the Chairman's presentation of the Kabelkė nomination to

Speaker Juozas Olekas. Establishes the twelve-day interval between the refusal at Exhibit E and the preferred-candidate nomination, and the seven-to-nine Council vote tally.

**Exhibit J.** [LRT news report of candidate hearing](#). Prior LRT report documenting the three candidates heard by the Council — Bubnys, Kabelkė, Lauraitienė — and the Chairman's stated criticisms of the incumbent Director General's conduct. Evidences the field of three heard candidates to the exclusion of the Applicant.

**Exhibit K.** [Nominee's academic profile, Vilnius University Faculty of Communication](#). Profile page for Donata Armakauskaitė (also published under the name Donata Kabelkė), listing Master's degree in Heritage Conservation and doctoral research on social capital in museums. Evidences the nominee's academic domain, which does not include original research on the Holocaust in Lithuania or on the contested determinations of LGGRTC.

**Exhibit L.** [Nominee, co-authored study on the Venclova House-Museum](#). 2022 peer-reviewed study framing the nominee's approach to contested cultural heritage within the frame of “museum decolonization.”

**Exhibit M.** [Nominee, co-authored integrative review on “difficult heritage” on social network sites](#). 2023 peer-reviewed literature review. By its own stated methodology, “excluded works related to the area of Holocaust practices on SNS” from its corpus.

**Exhibit N.** [Nominee's professional record in Vilnius cultural heritage administration](#). Press report of 3D and AI digitization of Vilnius Old Town under the nominee's departmental direction. Evidences the nominee's administrative and communications domain.

**Exhibit O.** [Applicant's personal evidentiary archive](#). Primary-source archive at grantgochin.com, including the Maceva Project documentation of Lithuanian Jewish cemeteries and the Joseph Melamed perpetrator files.

**Exhibit P.** [Applicant's published Times of Israel author archive](#). The complete body of the Applicant's journalistic and analytical work on LGGRTC, including the “Lithuania in the Dock” series, “The Brazaitis Fraud,” “Holocaust Fraud Is Legally Mandated in Lithuania,” and “Unknown Rescuers, Unreliable Custodians.” Evidences the Applicant's subject-matter expertise, peer-readable and uncorrected by any court, academic body, or professional institution finding the work fraudulent, dishonest, or unethical.

## **V. Causes of Action**

**32.** The administrative act at Exhibit E, considered alone and in the context of Parts III and VII of this memorandum, gives rise to causes of action under (A) Lithuanian administrative law; (B) the European Convention on Human Rights and its Protocols; and (C) European Union law. Each forum is addressed below.

### ***A. Lithuanian administrative law***

**33.** Counsel's attention is directed to the Law on Public Administration of the Republic of Lithuania and to the Law on Administrative Proceedings (Administracinių bylų teisenos įstatymas). The refusal at Exhibit E appears to breach, at minimum, the requirements of reasoned decision-making, proportionality, and equal treatment in administrative procedure. Specific submissions:

**34. (i) Obligation to give reasons.** The refusal at paragraph 25 states a conclusion (*you did not submit all the required documents*) without identifying the unmet requirement, without citing the statutory or regulatory basis for that requirement, and without specifying the *proper manner* of submission allegedly breached. Under established Lithuanian administrative law, an individual-adverse administrative act must be accompanied by a reasoned statement of legal and factual basis sufficient to enable judicial review of its merits.

**35. (ii) Obligation of notice and opportunity to cure.** Five weeks elapsed between the February 26, 2026 supplemental submission (Exhibit F) and the April 8, 2026 refusal (Exhibit E). No intervening communication informed the Applicant of any defect. The Council had ample time and means to request cure. It declined to do so.

**36. (iii) Proportionality.** The single document the Applicant was unable to produce, the top-secret clearance, is one that Lithuanian law does not permit a private citizen to produce. Refusing an application on the basis of the non-production of a document that cannot be produced by the applicant, without alternative provision for post-selection vetting as is standard in Lithuanian and European public-service practice, is disproportionate as a matter of administrative law.

**37. (iv) Equal treatment.** The Call as interpreted and applied by the Council excludes from eligibility all Lithuanian citizens resident abroad who have not previously been cleared to *visiškai slaptai* level through other public service. This creates differential treatment between (a) resident Lithuanian citizens or foreign-resident Lithuanian citizens previously cleared by the State, and (b) foreign-resident Lithuanian citizens not previously cleared. The differential treatment has no objective and reasonable justification for a selection process in which post-selection vetting is standard and available.

## ***B. Council of Europe instruments***

**38. Article 6 ECHR (right to a fair hearing), civil limb.** The selection for a post to which Lithuanian citizens have a generic right of access under Article 33 of the Lithuanian Constitution engages the civil limb of Article 6 under the *Vilho Eskelinen* test, the relevant jurisprudence of which counsel should review in detail. The absence of reasoned refusal and the absence of opportunity to cure engage the right to a fair hearing in the administrative-selection context.

**39. Article 10 ECHR (freedom of expression), combined with Articles 13 and 14 and Protocol 12.** The Applicant's public record of analysis and criticism of LGGRTC is a protected exercise of expression. The selection process, and the refusal of the Applicant's candidacy, must be assessed against the possibility that the procedural exclusion operated, in substance, as a reprisal against protected expression or as a *chilling effect* on public criticism of a state body. Counsel should preserve the full archive of the Applicant's publications at Exhibits G, H, F, O, and P as contextual evidence.

**40. Article 13 ECHR (right to an effective remedy).** Approximately thirty prior actions filed by the Applicant against LGGRTC and surrounding state architecture have been dismissed by Lithuanian courts. The dismissal pattern is documented in the Applicant's published corpus (Exhibit P). Each dismissal is a discrete exhibit of the effectiveness or ineffectiveness of domestic remedy. Counsel should compile a schedule of those actions, dates, dismissals, and procedural rationales for production at Strasbourg stage.

**41. Article 14 ECHR (prohibition of discrimination) and Protocol 12 (general prohibition of discrimination).** Protocol 12, which Lithuania has not ratified but which is persuasive as a statement of Council of Europe standards, and Article 14 in combination with other substantive

rights, together capture the substance of the discriminatory effect analyzed at paragraphs 37 and 39. Specifically, the Applicant's dual characteristics as (a) a foreign-resident Lithuanian citizen, and (b) a Jewish citizen with a public record of Holocaust accountability work critical of the Respondent institution, produce composite discriminatory exposure.

### ***C. European Union law***

**42. Article 2 TEU (rule of law).** The Republic of Lithuania is bound by Article 2 of the Treaty on European Union, which requires Member States to observe the rule of law. A state body that issues administrative refusals without reasons, that excludes candidates by pretextual procedural mechanism, and that continues to function as an instrument whose determinations appear in criminal indictments as binding evidentiary authority (see Part VII) presents a rule-of-law concern of EU dimension.

**43. Article 45 TFEU (free movement of workers) and Article 21 TFEU (free movement of Union citizens).** Where a Lithuanian citizen resident in another jurisdiction (in the present case, the United States, but the structural point is reproducible with respect to any Member State) is excluded from a state selection process by reason of his residence abroad, the exclusion engages the Treaty's free-movement guarantees. For Lithuanian citizens resident in another EU Member State, the exclusion would engage Article 45 TFEU directly. Counsel should consider whether any suitable Lithuanian-citizen applicant resident in another EU Member State joins the challenge, for purposes of bringing the claim squarely within Article 45.

**44. Charter of Fundamental Rights of the European Union.** Where the Member State acts within the scope of Union law, the Charter applies. The relevant Charter provisions include Article 15 (freedom to choose an occupation and right to engage in work), Article 20 (equality

before the law), Article 21 (non-discrimination), Article 41 (right to good administration, including the right to have one's affairs handled impartially, fairly and within a reasonable time, and the obligation of the administration to give reasons for its decisions), Article 47 (right to an effective remedy and to a fair trial), and Article 51 (field of application).

**45. Article 267 TFEU (preliminary reference) and Article 258 TFEU (Commission infringement).** The Lithuanian administrative courts, if properly invited, may refer to the CJEU a question on the compatibility of the pre-application top-secret-clearance requirement with Articles 21 and 45 TFEU and with Article 41 of the Charter. In parallel, the European Commission may be invited to open infringement proceedings under Article 258 TFEU on the pattern of state conduct documented in this memorandum.

## **VI. Forum Strategy and Exhaustion Pathway**

**46.** The forum-and-exhaustion strategy is as follows. Counsel should adapt sequencing and timing in light of Lithuanian procedural rules and of the Applicant's standing prior track record of approximately thirty dismissed actions.

**47. Step 1 — Vilnius Regional Administrative Court.** File a claim for annulment of the administrative act at Exhibit E, with request for reasoned decision, for disclosure of the specific “required documents” allegedly not submitted, and for a declaration that the pre-application top-secret clearance requirement constitutes a discriminatory administrative bar. Attach all Exhibits A through P. Include as supporting legal basis the Lithuanian administrative law obligations at paragraphs 34–37 and, where the domestic court's competence permits, the ECHR and EU law points at paragraphs 38–45.

**48. Step 2 — Supreme Administrative Court of Lithuania (on appeal).** Pursue the appeal to exhaustion. Counsel should also, at this stage, formally invite the court to refer a preliminary-ruling question to the CJEU under Article 267 TFEU on the compatibility of the Call with Articles 21 and 45 TFEU and with Article 41 of the Charter. A declined referral is itself a point that may be raised at Strasbourg under Article 6 ECHR jurisprudence on the national court's duty to reason refusal of a CJEU reference.

**49. Step 3 — Constitutional Court of Lithuania.** Where the legal basis invoked by the Council engages a statute whose constitutionality is subject to challenge (in particular, the specific provision of the Law on LGGRTC or of the Law on State Secrets that is identified on the record in Step 1), consider a constitutional complaint or request for abstract review. Counsel's advice requested on the practicality of this step in light of the likely reasoning at Steps 1 and 2.

**50. Step 4 — European Court of Human Rights (Strasbourg).** File an application under Articles 6, 10, 13, and 14 ECHR, citing the documentary spine at Exhibits A–P and the pattern of approximately thirty prior dismissed actions as exhaustion evidence. The contemporaneous public prediction at Exhibit F is intended to foreclose admissibility challenges on opportunism grounds. File within six months (or within the applicable Strasbourg time limit at the date of domestic exhaustion — counsel to confirm current deadline following Protocol 15 changes).

**51. Step 5 — European Commission, Article 258 TFEU complaint.** File a structured complaint with the European Commission, Directorate-General for Justice and Consumers, and Directorate-General for Employment, Social Affairs and Inclusion, on the pattern of state conduct (not only the individual case) relevant to Article 2 TEU, Articles 21 and 45 TFEU, and Charter provisions at paragraph 44. Parallel to Steps 1–4, not dependent on them.

**52. Step 6 — CJEU (Luxembourg), preliminary reference or direct action.** As and if the preliminary reference invited at Step 2 is made. If refused, the point persists on the record and may be raised at Strasbourg as a separate ground under Article 6. If infringement proceedings are opened at Step 5, the Commission may prosecute directly before the CJEU under Article 258.

**53. Strategic posture.** The Applicant does not expect to prevail in the Lithuanian forums at Steps 1–3. The object at Steps 1–3 is exhaustion, record-building, and documentation of judicial pattern. The Applicant expects the European venues at Steps 4–6 to be the operative tribunals. Each domestic dismissal, each unitemized refusal, each silence converts into evidence of pattern suitable for Strasbourg and for the Commission.

## **VII. Institutional Context and Evidentiary Background**

**54.** This Part documents the institutional context against which the administrative act at Exhibit E must be assessed. It is material to standing, to the construction of the *impeccable reputation* and *ideological alignment* conditions of the Call (Exhibit A), and to the Applicant's position at Strasbourg and before the Commission that the refusal was not a neutral procedural act but a pretextual exclusion of the only candidate who proposed to withdraw existing institutional falsehoods.

### ***A. The LGGRTC is a state narrative organ, not a scholarly institute***

**55.** On February 10, 2021, in a parliamentary oversight discussion, Seimas members stated that the LGGRTC *is not a scientific, academic institution*, that its statutory functions are far broader than scientific research, and that it cannot be turned into another history institute. Record in the Applicant's published analysis at [Lithuania in the Dock — Article 4](#) (Exhibit P-series). The Call

at Exhibit A for the post now at issue required top-secret clearance and demonstrated ideological continuity with the Centre's *mission and values*. Normal scholarly research institutes require neither. The Call itself is therefore evidence that the Respondent institution is not conducting a neutral scholarly selection, but a political appointment process for a state narrative organ.

### ***B. The documented record of falsified institutional determinations***

**56.** The following specific LGGRTC determinations, material to the context in which the Applicant's candidacy must be assessed, are in evidence on the public record:

**57. (i) The December 2019 Jonas Noreika “rescuer” certificate.** The LGGRTC issued a certificate declaring the late Jonas Noreika a rescuer of Jews. The certificate was publicly rejected by the International Commission's Sub-commission for the Evaluation of the Crimes of the Nazi Occupation Regime as *utterly unacceptable*. The certificate has never been withdrawn. Silvia Foti, granddaughter of Jonas Noreika, has separately documented her grandfather's documented role in ghettoization and property seizure in [\*Storm in the Land of Rain: A Mother's Dying Wish Becomes Her Daughter's Nightmare\*](#) (Regnery, 2021), and in her [Times of Israel author archive](#).

**58. (ii) LGGRTC letter No. 55R-21 of February 26, 2018 — the Brazaitis fabrication.** The letter states that Juozas Brazaitis-Ambrazevičius, Prime Minister of the Lithuanian Provisional Government of 1941, was *completely exonerated* by the U.S. Congress and INS in 1974. The exoneration did not occur. The authentic record, set out in [“The Brazaitis Fraud”](#) and in U.S. Congressman Brad Sherman's letter of September 25, 2019, is that Brazaitis was under active denaturalization investigation at the time of his death and fled to Germany. The LGGRTC fabrication is the load-bearing wall under the state rehabilitation of Kazys Škirpa, the founder of

the Lithuanian Activist Front, as the cascade extension within the same letter demonstrates. The letter has never been withdrawn.

**59. (iii) LGGRTC letter No. 13R-645 — the Ramanauskas-Vanagas “Dzūkija” attestation.**

The letter attests to the partisan codename *Dzūkija* of Adolfas Ramanauskas-Vanagas. That attestation is the binding evidentiary authority underlying the indictment in the criminal prosecution of Lithuanian Jewish citizen Artur Fridman, Case No. 02-2-00512-24, brought under Articles 170<sup>2</sup> §1 and 313 §2 of the Lithuanian Criminal Code for a Facebook post made at his grandfather's grave on May 9, 2024. Source materials at [“Holocaust Fraud Is Legally Mandated in Lithuania”](#).

**60. (iv) The Kėdainiai museum materials.** The Lithuanian state-funded Kėdainiai Regional Museum publishes, in its own display materials, a photograph and accompanying text concerning Povilas Plechavičius that contradicts precisely the historical claims for which Artur Fridman is presently being prosecuted under criminal law in another Lithuanian courtroom. Lithuania publishes what Lithuania prosecutes. That contradiction is itself the institution's testimony against itself.

**61. (v) The U.S. Congressional record.** Congressman Brad Sherman has written to the Lithuanian Government on September 25, 2019; again in 2021; and most recently in March 2026. Each letter documents factual errors and institutional misconduct by LGGRTC. None has resulted in corrective action by LGGRTC. The most recent Sherman letter is discussed in Exhibit P-series at [“Holocaust Fraud Is Legally Mandated in Lithuania”](#).

**62. (vi) The international-institutional contamination record.** The United States Holocaust Memorial Museum catalogs LGGRTC publications. Yad Vashem's Mirilashvili Center has

hosted Dr. Arūnas Bubnys in his LGGRTC capacity. The Victims of Communism Memorial Foundation has platformed LGGRTC officials in Washington, D.C. None of these institutions can, going forward, claim ignorance of the documented determinations at paragraphs 57–60.

### ***C. The allied published corpus***

**63.** The Applicant's documentary position is reinforced by a coordinated allied corpus at the Times of Israel. [Silvia Foti](#) has produced sustained work on Jonas Noreika from inside the family record. [Eugene J. Levin](#) has demonstrated that Lithuania's antisemitism resolution is, in his phrase, *Orwellian fraud*. [Michael Kretzmer](#) has reframed the Fridman prosecution as Lithuania placing itself, not Fridman, on trial — the prosecution-as-self-indictment frame which counsel may find of use when presenting the contextual weight of the Lithuanian criminal-law apparatus at Strasbourg. [Dillon Hosier](#) has produced complementary institutional analyses. The existence of this coordinated published record establishes that the Applicant is not an isolated or fringe voice; he is one of a peer-reviewed cluster of serious journalists and scholars whose findings converge.

### ***D. The nominee's silence on the documented file***

**64.** The nominee preferred by the Council, Donata Kabelkė, in her published presentation to the Council did not mention the Holocaust, did not mention Jews, did not mention any of the LGGRTC determinations at paragraphs 57–60, and did not propose to withdraw any existing institutional falsehood. Her academic and professional record, at Exhibits K–N, does not contain original primary-source research on the Holocaust in Lithuania or on the LGGRTC's contested determinations. Her own co-authored literature review expressly *excluded works related to the area of Holocaust practices on SNS* from its corpus (Exhibit M). The Council preferred that file

over the Applicant's file. The comparative assessment is material to the question whether the Council's selection was, on its face, a merits selection or a filter designed to preserve institutional continuity.

***E. The approximately thirty dismissed prior actions***

**65.** Over approximately three decades, the Applicant has filed approximately thirty legal actions against LGGRTC and surrounding state architecture at personal expense. All have been dismissed. Counsel is requested to compile, from the Applicant's records, a formal schedule of those actions — docket numbers, dates of filing, decisions, procedural bases for dismissal, and appellate outcomes — for use as exhaustion evidence at Strasbourg. The schedule is material to Articles 6, 13, and 14 ECHR arguments and to the Commission's assessment under Article 258 TFEU.

***F. The Applicant's forthcoming political textbook***

**66.** The Applicant is author of a forthcoming political textbook, *Recognition Without Reckoning: Sovereignty, Continuity, and the Architecture of Historical Evasion*, which treats the Lithuanian case as a central study of the institutional mechanisms by which states preserve contested national narratives without disproving evidence. The book will provide additional background context for any European forum and may be cited in filings as a scholarly synthesis of the pattern at issue.

**VIII. Requested Relief**

**67.** Counsel is instructed to seek, as primary relief in the Lithuanian administrative courts at Step 1:

**68. (a) Annulment** of the refusal at Exhibit E as defective for want of reasons and for breach of the obligation of notice and opportunity to cure;

**69. (b) Declaratory relief** that the pre-application top-secret clearance requirement in the Call (Exhibit A) operates as a discriminatory administrative bar against Lithuanian citizens resident abroad and against any Lithuanian citizen not previously cleared to *visiškai slaptai* level through other public service, and is accordingly unlawful as applied;

**70. (c) Mandamus** or equivalent compelling the Council to itemize, in writing and with citation to statutory or regulatory provisions, the *required documents* allegedly not submitted and the *proper manner* of submission allegedly breached;

**71. (d) Procedural relief** restoring the Applicant to the selection process at the stage at which his candidacy was procedurally excluded, with fresh substantive consideration on the merits; alternatively, declaratory relief that the Applicant would have been so considered but for the discriminatory bar;

**72. (e) Reference** to the CJEU under Article 267 TFEU on the compatibility of the pre-application top-secret clearance requirement with Articles 21 and 45 TFEU and with Article 41 of the Charter;

**73. (f) Costs** on the scale applicable to the proceedings.

**74.** At Strasbourg, counsel is instructed to seek findings of violation of Articles 6, 10, 13, and 14 ECHR; just satisfaction under Article 41 ECHR; and, where the Court indicates general measures, a statement of the general measures required by the Lithuanian State to align the selection mechanism with Convention standards. At the Commission, counsel is instructed to

seek the opening of infringement proceedings under Article 258 TFEU on the pattern of state conduct documented at Parts III and VII of this memorandum.

## **IX. Review Questions for Instructed Lithuanian Counsel**

**75.** Counsel is requested to review this memorandum and respond, in writing, to the following questions. Counsel's responses will inform the drafting of pleadings at Step 1.

**76.** (1) Is the April 8, 2026 refusal at Exhibit E, in counsel's assessment, susceptible to annulment in the Vilnius Regional Administrative Court on the grounds identified at paragraphs 34–37, or on alternative grounds that counsel would advise?

**77.** (2) What is the applicable limitation period for filing annulment proceedings in respect of the refusal at Exhibit E, measured from which date, and is any condition of pre-litigation procedure (e.g., internal administrative appeal) applicable?

**78.** (3) In counsel's assessment, will the Vilnius Regional Administrative Court, or the Supreme Administrative Court on appeal, be receptive to a request for preliminary reference to the CJEU under Article 267 TFEU? If not, what is the standing Lithuanian case law on national-court reasoning in declining a CJEU reference, and what is the documentary record required to raise the refusal as a distinct Article 6 ECHR point at Strasbourg?

**79.** (4) Is there, in counsel's assessment, a viable Constitutional Court pathway at Step 3, and on what statutory or constitutional basis?

**80.** (5) Counsel is requested to confirm the applicable Strasbourg filing deadline and any Protocol 15 adjustment current at the likely date of domestic exhaustion.

**81.** (6) Counsel is requested to advise on the composition of the Applicant's schedule of approximately thirty prior dismissed actions: format, sworn-statement requirements, and best method of certification for use at Strasbourg and before the European Commission.

**82.** (7) In counsel's assessment, is there benefit in joining, as co-applicant, any Lithuanian citizen resident in another EU Member State who would have been equally excluded by the pre-application top-secret clearance requirement, so as to bring the free-movement argument squarely within Article 45 TFEU?

**83.** (8) Counsel is requested to advise on the treatment, in Lithuanian administrative proceedings, of contemporaneous public prediction (Exhibit F) as evidentiary material foreclosing post hoc rationalization arguments by the Respondent.

**84.** (9) Counsel is requested to advise on the likely posture of the Lithuanian State's legal representation: specifically whether the Ministry of Justice, the LGGRTC's own legal unit, or the Attorney General's office will conduct the defense, and on whether parallel administrative, constitutional, and criminal-law proceedings (the Fridman case) will produce disclosure or evidential-sharing opportunities of use to this proceeding.

**85.** (10) Counsel is requested to advise on any further preservation steps required in respect of Exhibits A–P and in respect of the published corpus at Exhibit P-series, to secure the chain of custody at the date of filing and thereafter.

## **X. Publication and Preservation Notice**

**86.** This memorandum is published on the public record of the Applicant at the Times of Israel and/or at [grantgochin.substack.com](http://grantgochin.substack.com) in advance of or simultaneously with its transmission to

instructed Lithuanian counsel. The date stamp of publication is material. The publication forecloses, at all subsequent stages, any Lithuanian-state argument that the strategic intent of the proceedings — namely, to generate domestic dismissals as exhaustion steps preparatory to proceedings at Strasbourg and before the European Commission — was opportunistically constructed after the fact. The strategic intent is declared openly, in advance, on the public record. That declaration is the operative safeguard against admissibility objections at the European forums.

**87.** All Exhibits A–P should be preserved by instructed counsel in bound archived form, with cache preservation via the Internet Archive Wayback Machine and equivalent, prior to any communication of filing intent to the Respondent. The Respondent State has, in approximately thirty prior matters, demonstrated willingness to litigate at length and to invoke procedural mechanisms to narrow the record. The evidentiary record of this case is the Applicant's sole protection against that pattern.

**88.** Instructed counsel should acknowledge receipt of this memorandum upon engagement and confirm engagement, with a reasoned response to the review questions at Part IX, within a timeframe suitable to the applicable Lithuanian administrative law filing deadline.

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*End of Memorandum of Instructions*

Grant Arthur Gochin

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22 April 2026