

# The Documents Lithuania Demanded Twice

*How a Lithuanian state evidentiary theory killed eight members of one family in 1922, foreclosed Holocaust-era property restitution between 1991 and 2001, and tried to deny that family's grandson in 2008*

Lithuania's Migration Department denied my application for citizenship by descent in 2008 on the ground that I lacked sufficient documents to prove my paternal grandfather, Samuel Gochin, was the same Samuel Gochin recorded in Lithuanian state files. After five lawsuits, the Lithuanian High Administrative Court reversed in 2011.<sup>1</sup>

I am not writing this piece because of that reversal. I am writing because the same Lithuanian evidentiary theory, applied to my family eighty-six years earlier, killed eight people.

In 1922, the Lithuanian Department of Citizen's Security used a near-identical formulation against my great-grandfather Avram Gochin and his children to deny their re-entry from Russian Imperial deportation in Ukraine. Lithuania said they "lacked the documents to prove they were Lithuanian." At least eight of my direct relatives died during the application period, the denial period, and its immediate aftermath. They died while Lithuania delayed and then denied the family's re-entry on documentary grounds.<sup>2</sup>

The 1922 denial and the 2008 denial were instances of the same method. The first time, my family was destroyed by it. The second time, the family had relatives in South Africa, an archive of survivors' records, the patience for litigation, and access to an appellate court. The method failed in 2008 not because Lithuania reformed but because the family had survived enough to fight back.

This piece is the cross-century record. I have published shorter analyses of the 2008 case;<sup>3</sup> this is the long form, with the documentary apparatus.

## PART I: THE FIRST DENIAL (1915–1922)

### §1. The 1915 deportation

Lithuania did not first encounter the Gochin family through citizenship applications. The Russian Imperial military encountered them on May 4, 1915.

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<sup>1</sup>Vyriausiasis administracinis teismas (Lithuanian Supreme Administrative Court), Administracinė byla Nr. A822-2124/2011, 22 July 2011. English translation hosted at [Times of Israel CDN](#).

<sup>2</sup>Letter from Grant Arthur Gochin to Ambassador Darius Degutis, Embassy of the Republic of Lithuania, Tel Aviv, 15 November 2011, [full text hosted at TOI CDN](#). The 1922 archival materials are referenced infra notes 7–9 and 13.

<sup>3</sup>Grant Gochin, [Samuel Gochin Existed](#), Times of Israel blog. See also Grant Gochin, [Jewish Soldiers, Lithuanian Independence, and the Betrayal of 1941](#).

On that date, the Russian Imperial authorities issued mass deportation orders against Jewish populations in the western frontier provinces, citing the unsupported military rationale that Jews could not be trusted in territories the Russian army was losing to advancing German forces. Hundreds of thousands of Lithuanian, Polish, and Latvian Jews were forcibly removed eastward. The Gochin family was among them. They were deported from Papilė, in Akmenė District, to Melitopol in Ukraine.<sup>4</sup>

The 1915 deportation matters here for one reason. It is the original event that destroyed the documentary record Lithuania later demanded. Papilė's Jewish vital records were destroyed during the war.<sup>5</sup> The Russian Empire scattered Lithuanian Jewish families across territories that would, within five years, become four different sovereign states. The displaced families themselves — those who survived — were the only living archive of their own lineage.

When Lithuania emerged as an independent republic in 1918, the question of who counted as Lithuanian had to accommodate this reality. The 9 January 1919 Provisional Law on Citizenship, drafted while the country's archives were ash and its population still moving back across reopened borders, did so by setting a low documentary threshold. Lithuania's own Migration Department later described the implementing rules as "very liberal," with "statements of two witnesses" sufficient to prove that a person was from Lithuania.<sup>6</sup>

The timing of what came next matters. On 22 November 1921, Lithuania replaced the earlier liberal passport regime with a stricter documentary list, requiring proof through old Russian passports, Ober-Ost passports, population-list books, birth certificates, or marriage certificates. Lithuania's own historical account notes that the change came as the number of people needing passports and citizenship clarification was increasing with exiles returning from Russia. Faive Gochin's application for the return of his deported family was filed on 26 December 1921, one month after the tightening. Lithuania narrowed the documentary door precisely as deported Jewish families were trying to come home through it.

## §2. The 1921–22 application

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<sup>4</sup>On the May 1915 Russian Imperial deportation of Jews from the western frontier provinces, see standard works on Russian Jewish history during the First World War. The specific Gochin family deportation from Papilė to Melitopol is documented in the Lithuanian Central State Archive (LCVA) repatriation application files cited at notes 7–9, and reconstructed from family records in the Degutis letter (note 2).

<sup>5</sup>Confirmation of the destruction of the Papilė Jewish community register comes from the Lithuanian National History Archive's response to the author's archival request, placed in evidence in Vilnius Apygardos administracinis teismas, Administracinė byla Nr. I-2369-426/2008, 18 September 2008.

<sup>6</sup>Migration Department of the Republic of Lithuania, [Citizens of Lithuania according to the Provisional Law on Lithuanian Citizenship of 09 January 1919](#). The phrase "very liberal" and the formulation that "statements of two witnesses were sufficient in order to prove the citizenship" appear verbatim on the Migration Department's own commentary page. The same Migration Department historical commentary records that on 22 November 1921 Lithuania replaced the earlier liberal regime with a stricter passport law requiring proof through old Russian passports, Ober-Ost passports, population-list books, birth certificates, or marriage certificates, and notes the rising number of returning exiles from Russia at that moment. The same source confirms that under the 1919 passport statutes a passport could not be issued to a non-Lithuanian citizen — the documentary identity issued by Lithuania to Samuel Gochin in 1924 and 1926, and to Chaie Gochin in 1922, was therefore inseparable from citizenship recognition.

On December 26, 1921, my great-great-grandfather Faive Gochin submitted an application to the Lithuanian authorities asking that his son Avram Gochin, Avram's wife Chaie, and their children be permitted to return from Ukrainian exile. The application is filed in the Lithuanian Central State Archive: Fund 412, Inventory 13, File 6, Page 857.<sup>7</sup>

Faive's application worked with what the destroyed records permitted. He produced family testimonies. The Papilė Jewish Community supplied corroborating testimony that the Gochin family and children had been born in Papilė. The application was thoroughly documented within the documentary universe available to displaced Jews in 1921.

On February 28, 1922, the Council of Papilė wrote to the Head of the District (Šiauliai) confirming that there were no reasons to bar the Gochin family's return.<sup>8</sup> This is the local Lithuanian governmental level affirmatively endorsing the family's claim.

On March 28, 1922, the Lithuanian Department of Citizen's Security overturned the District findings. In a brief to the Head of the Šiauliai District, the Department ruled that the Gochin family was not to be permitted to return to Lithuania, on the ground that they "lacked the documents to prove they were Lithuanian."<sup>9</sup>

That formulation should be set down precisely.

The local Lithuanian council in Papilė had endorsed the application. The Lithuanian Jewish community of Papilė had testified to the family's identity. Faive Gochin had submitted family documentation. The denial came from the central Department of Citizen's Security, on a documentary theory that demanded proof Jewish refugees from a destroyed shtetl could not, by definition, produce.

The Department knew the records had been destroyed. The Department knew the deportation had scattered the family. The Department also knew that the very-liberal 1919 instructions accommodated exactly this situation through testimony and witness procedures. The Department denied anyway.

### **§3. The eight deaths**

The consequences are documented in the family record.

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<sup>7</sup>Lithuanian Central State Archive (LCVA), Fund 412, Inventory 13, File 6, Page 857: Application by Faive Gochin to Lithuanian authorities, 26 December 1921, requesting return of Avram Gochin and family from Melitopol exile.

<sup>8</sup>Council of Papilė letter to the Head of Šiauliai District, 28 February 1922, on file in the LCVA materials cited at note 7. The Council's endorsement is recorded in the case correspondence preserved with Faive Gochin's application.

<sup>9</sup>Lithuanian Department of Citizen's Security brief to the Head of Šiauliai District, 28 March 1922, denying re-entry to the Gochin family on the ground that they "lacked the documents to prove they were Lithuanian." Archival reference per the Degutis letter (note 2) and the application file at note 7.

Avram Gochin, my great-grandfather, died of starvation in March 1922.<sup>10</sup> He died in or near Melitopol, in the same Ukrainian exile from which Lithuania was, at that very moment, refusing his return. He was the patriarch of the household applying for re-entry.



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<sup>10</sup>Author's family records, corroborated by the contemporaneous account in the Degutis letter (note 2). Avram Gochin's death in Melitopol in March 1922 is recorded in the family's Ukrainian exile records, with onward documentation in subsequent Lithuanian re-entry application files for surviving members.

Three of Avram and Chaie's children — Leya, Tsipa, and Edel — died of disease or starvation in 1922. Tsipa's husband died in 1922. One of Tsipa's children died in 1922. Both of Leya's two children died in 1922.<sup>11</sup>

The minimum confirmed total: at least eight family members died during the application period, the denial period, and its immediate aftermath. The actual total is likely higher; we lack records on Leya's husband and on additional children whose vital records were never recovered.<sup>12</sup>

I am restating these names because they should be on the record as Lithuanian state casualties, not only as Russian Empire deportation casualties or Holocaust-era diaspora ancestors. They died while Lithuania delayed and then denied the family's re-entry on documentary grounds. The Russian Empire had deported them. Lithuania, when it could have brought them home, refused.

This is not a peripheral footnote to the 2008 case. It is the same evidentiary theory operating with lethal effect. The 2008 method was a memory of the 1922 method, applied to the descendants of the survivors of the 1922 method. The Lithuanian Department of Citizen's Security in 1922 and the Lithuanian Migration Department in 2008 were not the same office, but they used the same logic: a Jew claiming Lithuanian status must produce documents that Jewish history made impossible to produce, and the inability to produce them is the Jew's failure.

The continuity matters. So does the record of who paid for it the first time.

#### **§4. Chaie's re-entry: the discretion proved**

Six months after the March 28 denial, on September 27, 1922, Chaie Gochin took her surviving children and grandchildren to the Obeliai border crossing on the Lithuanian-Latvian frontier. She completed re-entry paperwork. She proved her Lithuanian citizenship, by means substantially similar to those that had been rejected in March. She was permitted to re-enter.<sup>13</sup>

This is the dispositive piece of evidence on what the March 1922 denial actually was.

If the documentary problem in March had been a genuine legal defect, Chaie's September re-entry would not have been possible. The records had not been reconstructed in six months. The legal framework had not changed. What had changed was who was on duty at the border, what district was processing the file, and possibly which official's judgment was invoked.

A Lithuanian passport was not, in this period, a mere identity document. Lithuania's own historical account of its 1919 passport statutes states that a passport could not be issued to a non-Lithuanian citizen. Every Lithuanian passport in this family file is therefore also citizenship evidence. Chaie's September 1922 paperwork at Obeliai was, by definition, recognition of her

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<sup>11</sup> Author's family records, corroborated by the Degutis letter (note 2). The 1922 deaths of Leya, Tsipa, Edel, Tsipa's husband, one of Tsipa's children, and both of Leya's two children produce the conservative count of eight family members. Records on Leya's husband and additional children whose vital records were never recovered would raise the figure further.

<sup>12</sup> On the documentary scarcity for displaced Jewish communities in 1922 Ukraine, see standard genealogical resources including LitvakSIG and JewishGen. The minimum-eight figure is the conservative count derived from corroborated family records.

<sup>13</sup> LCVA Fund 412, Inventory 13, File 13, L. 469: Chaie Gochin re-entry record, 27 September 1922, Obeliai border crossing.

Lithuanian citizenship by the Lithuanian state. Six months earlier the same state had declared her family insufficiently Lithuanian to come home.

Lithuania's evidentiary policy toward returning Jews was discretionary. It depended on which official applied which standard at which moment. The March denial that killed Avram and the others was not a legal outcome compelled by the 1919 framework. It was a discretionary decision made by officials in the central Department of Citizen's Security against a specific Jewish family.

A second observation follows. The Department of Citizen's Security knew, by September, that the same family it had refused in March was successfully re-entering through Obeliai. It did not retroactively review its March decision. It did not punish the officials whose denial had caused starvation deaths. The denial was, in the institutional record, simply allowed to stand.

That, too, is the method. The state's first response is denial. The state's second response is to leave its denials uncorrected.

## **PART II: SAMUEL SURVIVES (1917–1926)**

### **§5. The 1917 abduction**

In 1917, while the family was still in Melitopol exile, Samuel Gochin was forcibly conscripted into the Byelorussian Army.<sup>14</sup> He was fifteen years old. The Byelorussian forces were one of several local military formations operating in the chaos of the post-1917 collapse of Russian Imperial authority. Jewish boys were taken because Jewish lives were perceived to have low value to the conscripting forces; the boys' bodies could absorb enemy fire as effectively as anyone else's.

Samuel survived the war. He returned to his family in Ukraine before Chaie's 1922 re-entry to Lithuania. The 1917 abduction is relevant here because it bears on the medical condition that Lithuania later recorded, and ignored, in 1924.

### **§6. Conscription and the refused medical discharge**

Samuel returned to Lithuania with the rest of the family by 1922. Papilė had been destroyed in the war. The family rebuilt.

In 1924, the Recruitment Commission of the Šiauliai District conscripted Samuel into the Lithuanian Army and assigned him to the 5th Grand Duke Kęstutis Infantry Regiment, garrisoned at Upper Panemunė in Kaunas.<sup>15</sup> The regiment had been founded on 2 March 1919

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<sup>14</sup>Per the Degutis letter (note 2). The author has been unable to locate Byelorussian or Ukrainian archival records for the 1917 conscription; the family record is the source.

<sup>15</sup>Recruitment Commission of Šiauliai District records, 1924; archival reference per the Lithuanian High Administrative Court decision (note 1).

and had fought in the Lithuanian Wars of Independence. It was, by 1924, an established line unit of the interwar Lithuanian Army.<sup>16</sup>



On 6 June 1924, Samuel was admitted to the Jonas Basanavičius War Hospital. The military medical file is preserved in the Lithuanian Central State Archive: Fund 1102, Inventory 1, File 854, p. 6, 6ap.7.<sup>17</sup> The file recorded chest pain, blood in his sputum, bronchial symptoms, and

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<sup>16</sup>5-asis pėstininkų Lietuvos Didžiojo kunigaikščio Kęstučio pulkas, founded 2 March 1919 by Kazys Škirpa as the Separate Battalion of Kaunas; given the name of Grand Duke Kęstutis on 7 February 1920; garrisoned at Upper Panemunė in Kaunas from 1922; renamed 5th Infantry Regiment on 25 July 1940 following Soviet occupation. The regiment's founder, Kazys Škirpa, would later organize the Lithuanian Activist Front (LAF) in Berlin in 1940–41. The LAF's March 1941 directives anticipated and helped initiate the murder of Lithuanian Jewry beginning June 1941. The historical irony — that Samuel Gochin served in a regiment first organized by the man who would later organize the political infrastructure of the Lithuanian collaboration in his murder, had he remained — is recorded here without analytical elaboration.

<sup>17</sup>LCVA Fund 1102, Inventory 1, File 854, p. 6, 6ap.7: Jonas Basanavičius War Hospital admission record, Samuel Gochin, 6 June 1924.

unclear spots on the lung. These were not the symptoms of malingering. They were the symptoms of a man who had been a starvation refugee at age fifteen, had been conscripted into a brutal civil war within months of that, and had returned to a destroyed shtetl.



*Sam Gochin -- patient in the Jonas Basanavičius War Hospital in Lithuania*

Lithuanian military doctors recommended that Samuel be released from service on physical grounds.<sup>18</sup> Lithuanian military officials declined the medical recommendation. Samuel was forced to serve all 18 months of his conscription, completing service in 1925.

This detail is not a sentimental one. It is documentary. Lithuania's military medical apparatus identified a Jewish conscript as physically unfit; Lithuania's command apparatus overrode the medical finding and kept him in uniform. The 1924 file constitutes one of the most identifying

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<sup>18</sup>Per the Degutis letter (note 2) and the medical file at note 17. The discharge recommendation of June 1924 was not honored; Samuel served the full 18 months of his conscription, completing service in 1925. On the legal status of military service as citizenship evidence, see Migration Department of the Republic of Lithuania, [Restoration of Citizenship of the Republic of Lithuania](#), which treats records confirming service in the Lithuanian Armed Forces before 15 June 1940 as evidence relevant to proving Lithuanian citizenship and refers applicants to the Lithuanian Central State Archive for those records.

records the Lithuanian state could produce: name, birth date, regiment, hospital admission date, specific medical findings, archival fund and inventory.



*Sam Gochin -- patient in the Jonas Basanavičius War Hospital in Lithuania*

The legal consequence is direct. The army was not a private employer. Conscription was a state obligation imposed on citizens. Current Lithuanian guidance treats service in the Lithuanian Armed Forces before 15 June 1940 as evidence relevant to proving citizenship, and refers applicants to the Lithuanian Central State Archive for those records. The state cannot honestly use Samuel's body as a citizen in 1924, force him to serve eighteen months over its own doctors' objection, and then pretend in 2008 that his identity was insufficiently knowable.

Samuel Gochin existed in the Lithuanian state record at a level of granularity that left no plausible room for doubt about his identity. He was the Jewish soldier whose discharge Lithuania had refused.

## **§7. 1926 and 1930: emigration**

In 1926, Samuel Gochin left Lithuania for South Africa.<sup>19</sup> He was twenty-four. He had been a starvation refugee, a conscripted child soldier in another country's army, a returned exile, a soldier of the Lithuanian Republic, and a discharged tuberculosis case. He left for South Africa.

In 1930, Chaie Gochin followed, with her surviving daughter Esther Gochin and grandson Max. They settled in Johannesburg.<sup>20</sup>

By the 1930s, the Pinkas Hakehillot Lita records, only about 200 Jews remained in Papilė.<sup>21</sup> In 1941, those Jews were murdered. Approximately 96.4 percent of Jews on Lithuanian territory were murdered between June and December 1941, the most complete destruction of any national Jewish community in the Holocaust.<sup>22</sup> The Gochins survived because they had left.

This survival cohort, Jews who left Lithuania voluntarily before the Holocaust, is the population the 2008 dual-citizenship law was structured to exclude. That argument arrives later in this piece.

### **PART III: THE SECOND DENIAL (2004–2011)**

#### **§8. The “Nationality: Jew” requirement**

In 2004, I applied for restoration of Lithuanian citizenship by descent. Lithuania permitted dual citizenship at that time.<sup>23</sup>

My first visit to the Lithuanian Consulate produced an immediately disturbing administrative requirement. I was required to state my nationality as “Jew.” This was not religion. This was not heritage. The Lithuanian state required that I designate Jew as my nationality on the application form.<sup>24</sup>

This was not, in 2004, an obscure historical residue of an interwar minorities framework. This was the live administrative practice of an EU member state. Lithuania required Jewish applicants

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<sup>19</sup>Per the Degutis letter (note 2). Samuel Gochin emigrated to South Africa in 1926 after completion of his Lithuanian military service.

<sup>20</sup>Per the Degutis letter (note 2). Chaie Gochin, her surviving daughter Esther, and her grandson Max emigrated to South Africa in 1930.

<sup>21</sup>Pinkas Hakehillot Lita: Encyclopedia of Jewish Communities, Lithuania, ed. Dov Levin, asst. ed. Josef Rosin (Jerusalem: Yad Vashem). Entry on Papilė [available in JewishGen translation](#). The entry records that during the 1930s only about 200 Jews resided in Papilė; the Jewish Folksbank had 78 members in 1927; in 1939 there were 36 telephone subscribers in the town, six of them Jewish; the last rabbi, Avraham HaCohen Levin, perished in the Holocaust.

<sup>22</sup>On the destruction of Lithuanian Jewry, see *The Holocaust in Lithuania* (standard Holocaust historiography). The 96.4 percent figure is the figure used by the Lithuanian Jewish Community in its own publications and is consistent with broader estimates that more than 95 percent of Lithuania's Jewish population was murdered between June and December 1941, the most complete destruction in any European country.

<sup>23</sup>On the state of Lithuanian dual-citizenship law in 2004, prior to the 13 November 2006 Constitutional Court ruling that narrowed it, see Migration Department of the Republic of Lithuania historical commentary at note 6.

<sup>24</sup>Per the Degutis letter (note 2). The administrative requirement that Jewish applicants identify their nationality as “Jew” on the citizenship application form is contemporaneous with the author's 2004 application; subsequent administrative-form revisions are outside the scope of this piece.

for citizenship by descent to administratively self-identify as a separate national category. Whatever the doctrinal justification, the practical effect was pre-application sorting: Jewish applicants entered the Migration Department's caseflow with their applications already flagged.

I will not speculate beyond the documentary record about how that flagging affected case handling. The documentary record is, however, suggestive. Jewish applicants experienced delays, evidentiary demands, and outcomes that non-Jewish applicants in comparable documentary positions did not.<sup>25</sup>

The "Nationality: Jew" requirement set the tone. The substantive case that followed must be read against the fact that the application form had already required the applicant to declare himself the kind of citizen the Lithuanian state had spent the twentieth century reducing.

## §9. The dual-citizenship trap

The Migration Department of the Republic of Lithuania is required by Lithuanian law to respond to citizenship-restoration applications within six months. It did. Every six months, for almost three years, the Department issued a fresh request for additional documentary material. Each request was procedurally proper. Each was within the Department's statutory authority. The cumulative effect was that the application could not progress.<sup>26</sup>

On 13 November 2006, Lithuania's Constitutional Court ruled that many provisions of the citizenship framework, including provisions regulating dual citizenship, conflicted with the Constitution. The ruling held, in substance, that dual citizenship had to remain rare rather than widespread. The Migration Department used the ruling as the disposition of my pending application.

Within months of the Constitutional Court decision, the Department issued its determination on my application. The determination was twofold. First, dual citizenship was now to be construed restrictively; therefore I was not eligible. Second, in the alternative, I had failed to produce sufficient documents to prove that Samuel Gochin was my paternal grandfather.<sup>27</sup>

The second ground is the same theory that had killed eight members of my family in 1922.

The procedural choreography deserves attention. The decision was released to me with only a few days remaining in the 30-day window for appeal under Lithuanian administrative law.<sup>28</sup> A three-year case file was disposed of in a window that left the applicant minimal time to organize

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<sup>25</sup>A systematic comparative study of Migration Department outcomes by ethnicity has not, to the author's knowledge, been published. The 2015–16 reporting by the Lithuanian Jewish Community (notes 53–57 below) documents pattern denial of Jewish applications during the period immediately preceding the 2016 amendment.

<sup>26</sup>Per the Degutis letter (note 2). Migration Department procedural records for the 2004–2007 period are not publicly indexed; the relevant correspondence remains in the author's possession and was placed in evidence in the subsequent litigation cited at notes 38–49.

<sup>27</sup>Lithuanian Migration Department determination, 2007. The administrative record was placed in evidence in subsequent court filings; see the Vilnius Apygardos administracinis teismas decision of 18 September 2008 ([English translation](#)).

<sup>28</sup>The 30-day appeal window for Migration Department determinations applied under Lithuanian administrative procedure law in force in 2007.

a legal response. The Department had been free to issue its determination at any earlier point during the three years it held the file open. It chose to issue the determination after a Constitutional Court ruling that gave the Department additional cover.

I do not characterize this as a coincidence. I describe it as the structure of the disposition, which was: delay until cover arrives; deny on the cover ground; preserve in the alternative the same documentary theory that had been the core ground all along; release the decision late enough that appeal is logistically difficult.

I appealed.

## **§10. The two-witness benchmark**

Before describing the litigation, the comparison Lithuania set up against itself should be stated.

In 1919, Lithuania's implementing rules following the Provisional Law on Citizenship were "very liberal," in Lithuania's own description, with statements of two witnesses sufficient to prove that an applicant came from Lithuania.<sup>29</sup> The rules were drafted under documentary conditions worse than the conditions Jewish descendants faced in 2008. The 1919 standard was a recognition by the new Lithuanian state that the Russian Imperial deportation of 1915, the destruction of Lithuanian archives in the First World War, and the displacement of the population had made strict documentary proof impossible. The standard, accordingly, was not strict.

In 2008, my application was rejected for failure to produce documents Lithuania had refused, even, to recognize through testimonies and family witnesses. The court that initially rejected my application had before it multiple witness statements, including one from a recognized public figure of the South African anti-apartheid struggle.<sup>30</sup> Lithuania's 2008 standard, applied to a Jewish descendant, was strictly higher than the 1919 standard Lithuania had set for itself when its archives were ash and its population still moving back across reopened borders.

That is the comparative frame.

## **§11. The phantom Sam**

The Lithuanian state held a substantial documentary record on Samuel Gochin. He was born in Papilė on 15 February 1902. The 1924 Recruitment Commission of Šiauliai District conscripted him. The 5th Grand Duke Kęstutis Infantry Regiment received him. The Jonas Basanavičius War Hospital admitted him on 6 June 1924, with a documented medical file. Lithuania issued him an internal passport in Papilė on 5 November 1924, classifying him as Žydą — Jew. A second internal passport followed on 15 January 1926, after completion of military service.<sup>31</sup>

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<sup>29</sup>Migration Department of Lithuania, commentary on the Provisional Law (note 6).

<sup>30</sup>Esther Barsel; biographical material at notes 39–44.

<sup>31</sup>LCVA records for the 1924 conscription, hospital admission, and internal passport issuances are catalogued in the Lithuanian High Administrative Court decision of 22 July 2011 (note 1). The Žydą classification on the 5 November 1924 internal passport, and on the second passport of 15 January 1926, is recorded in the case file.

In Lithuanian records the name appears as Samuilas Gochinas or Samuelis Gochinas. Samuilas Gochinas and Samuel Gochin were not different people. The first is simply the Lithuanian administrative form of the same Jewish name. No Lithuanian official handling Lithuanian-language vital records, military files, or passport ledgers in 1924 was confused on this point.

Photographs survived. They showed Samuel in the uniform of the Republic of Lithuania, with insignia identifying the 5th Grand Duke Kęstutis Infantry Regiment. A Lithuanian military historian confirmed the uniform's authenticity and the regiment.<sup>32</sup>

South African records, in turn, showed my father, Harold Gochin, as the son of Samuel Gochin born in Lithuania, married to Dora Rummel.

Lithuania did not deny that Samuel Gochin had existed. Lithuania did not deny that he had been a Lithuanian citizen. Lithuania denied that the Samuel Gochin in its records was the Samuel Gochin who fathered Harold.

To sustain that denial, Lithuania's evidentiary theory required a phantom. A second Samuel Gochin who shared the documented Sam's name, birth year (1902), birthplace (Papilė), conscription, regiment, hospital admission date, internal passport sequence, and Žydas classification, but who had no claim of fatherhood to a Harold Gochin in South Africa, leaving the documented Sam free to be claimed instead by some other lineage.

The Supreme Court translation records the formulation: data on Samuel Gochin of Papilė, including the Lithuanian passport, was treated as insufficient to prove the passport had been issued to my grandfather "and not somebody else."<sup>33</sup>

The phantom was demographically impossible. At the time my grandfather left Lithuania in 1926, the Jewish community of Papilė numbered approximately one thousand.<sup>34</sup> By the 1930s, after continuing emigration to South Africa, Palestine, and the United States, only about 200 Jews remained.<sup>35</sup> The Folksbank in Papilė had 78 members in 1927.<sup>36</sup> In 1939 the entire town had 36 telephone subscribers, six of them Jewish.<sup>37</sup> By any reasonable measure this was a small shtetl.

Lithuania's theory required that within this community, at minimum, two distinct Samuel Gochins were born in or around February 1902. Both connected to Papilė. Both bearing identifying records in the Lithuanian state system. The state produced no second Samuel. It posited none. It did not name a candidate. It did not produce a separate file. It merely asked the court to entertain the theoretical possibility.

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<sup>32</sup>Lithuanian military historian's expert opinion submitted in administracinė byla Nr. I-2369-426/2008. The historian confirmed both the authenticity of the uniform depicted in the photographs and the regimental identification.

<sup>33</sup>Vyriausiasis administracinis teismas decision (note 1).

<sup>34</sup>The figure of approximately one thousand Jews in Papilė in 1926 is per author's family records, Papilė community memory, and demographic estimates for Lithuanian shtetls during the period of accelerated emigration. The 1939 community size of approximately 200 is independently confirmed by the Pinkas Hakehillot Lita (note 21).

<sup>35</sup>Pinkas Hakehillot Lita (note 21).

<sup>36</sup>Pinkas Hakehillot Lita (note 21).

<sup>37</sup>Pinkas Hakehillot Lita (note 21).

The phantom Sam had no birth certificate. No service file. No hospital admission. No passport. No photograph. No witness. No descendant. He existed only in the moment a Jewish grandson invoked the documented Sam, and existed only as a doubt the Lithuanian state asked the court to weigh against the documented Sam's documented life.

This is not evidentiary caution. It is an evidentiary theory engineered to defeat one specific claim. The state's certainty was selective. When Samuel was conscripted, no recruitment officer asked which Samuel Gochin had appeared. When he was admitted to the hospital, no clerk wondered whether a different Samuel Gochin from Papilė was on the ward. When his passport was stamped Žydai, no registrar paused to consider whether the wrong Jew had been classified. The state was certain when certainty served the state. The doubt arrived in 2008, with the application.

That is how agenda hides inside procedure.

## **§12. Witnesses, including a Litvak**

The Vilnius Regional Administrative Court ruled on 18 September 2008 in administracinė byla Nr. I-2369-426/2008.<sup>38</sup> Among the statements before the court was one from Esther Barsel.

Esther Barsel was a different Esther: not Samuel's sister Esther Gochin, but a separate witness, related to me on my mother's side. She was not related to Samuel Gochin, who was my paternal grandfather. She was not enlarging her own family claim. She was an outside witness to a history Lithuania had already recorded for itself.

She was also a Litvak. Esther Barsel was born Esther Levin in Raguva, Lithuania, on 17 October 1924, and arrived in South Africa in 1927 at the age of three.<sup>39</sup> She was a displaced Lithuanian Jew testifying in 2008 about the displacement of another Lithuanian Jew. Lithuania's own diaspora was speaking to Lithuania about Lithuania.

Esther Barsel was not a peripheral witness. She was one of the fifteen accused in the 1964 Bram Fischer Trial in South Africa. She was sentenced in 1965 to three years' hard labor at Barberton Women's Prison.<sup>40</sup> Following her release, she lived under a banning order. After Chris Hani's return to South Africa from exile in 1990, she served as his private secretary until his assassination in 1993.<sup>41</sup> In 2008, she was one of only twenty-five people invited to Nelson Mandela's private 90th-birthday lunch on July 8.<sup>42</sup> She died on 6 October 2008, three months

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<sup>38</sup>Vilnius Apygardos administracinis teismas, Administracinė byla Nr. I-2369-426/2008, 18 September 2008. [English translation](#).

<sup>39</sup>Esther Barsel biographical information per [South African History Online](#) and the [Jewish Women's Archive](#). Esther Barsel (née Levin) was born in Raguva, Lithuania, on 17 October 1924; her family relocated to South Africa in 1927, settling first in the Eastern Transvaal and later in Johannesburg.

<sup>40</sup>South African History Online (note 39); Esther Barsel was sentenced to three years' hard labor and served the sentence at Barberton Women's Prison.

<sup>41</sup>South African History Online (note 39); Esther Barsel served as Chris Hani's private secretary following his return to South Africa in 1990 from thirty years of exile, until Hani's assassination in April 1993.

<sup>42</sup>Nelson Mandela Foundation, [Madiba mourns the death of Esther Barsel](#), 8 October 2008. Esther Barsel was one of only twenty-five people invited to Mandela's private 90th-birthday lunch on 8 July 2008.

after the Mandela lunch and weeks after the very court hearing at which her testimony in my case was discounted. Mandela sent her family a personal letter of condolence.<sup>43</sup> In 2011, Liberia issued a postage stamp honoring her in the Legendary Heroes of Africa series.<sup>44</sup>



The Vilnius Regional Administrative Court’s response to Esther Barsel’s statement, dated 18 September 2008, was: “The court judges these clarifications critically, as the information they provide is not confirmed by the necessary proofs.”<sup>45</sup>

Two witnesses had been enough at the founding of the Lithuanian state in 1919. By 2008, the testimony of a Litvak born in Raguva, displaced as a child, who became one of the most consequential anti-apartheid figures of the twentieth century, that testimony was not enough.

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<sup>43</sup>Mandela Foundation (note 42). Mandela’s personal letter of condolence to the Barsel family was read at Esther Barsel’s funeral in Johannesburg on 7 October 2008.

<sup>44</sup>Liberia issued a postage stamp honoring Esther Barsel as one of the [Legendary Heroes of Africa](#) in March 2011.

<sup>45</sup>Vilnius Apygardos administracinis teismas decision (note 38).

State documents were not enough. Military records were not enough. Passport information, including the explicit Žydai classification, was not enough.

The pattern of “not enough” was the disposition. It was not an evidentiary judgment. It was the form a refusal took.

### **§13. The photograph accepted and rejected**

The photographs in evidence showed Samuel in the uniform of the 5th Grand Duke Kęstutis Infantry Regiment. The court accepted the uniform’s authenticity. It accepted that a man wearing such a uniform could be a Lithuanian citizen.

The court refused to accept that the man in the photograph was Samuel Gochin. Its formulation: “From the photographs provided it is not evident that this person is actually Samuel Gochin.”<sup>46</sup>

That sentence is the method’s clearest expression. Lithuania accepted the uniform. Lithuania accepted the citizen. Lithuania denied the Jew.

The photograph proved everything except the point that mattered. The state could recognize the Lithuanian military object, the uniform, regiment, regulation insignia. It could not, or would not, recognize the Jewish subject standing inside the object. Recognition of the object preserved Lithuanian heritage. Recognition of the subject would have given a Jewish descendant a right.

This is, in microcosm, the pattern of post-Communist Lithuanian Holocaust memory: the artifacts of Lithuanian Jewish life can be recognized, exhibited, even celebrated, while the descendants of the Jews who produced those artifacts are kept at administrative arm’s length. The photograph holds the architecture in a single sentence.

### **§14. Weaponized absence**

The Lithuanian National History Archive confirmed in writing during the 2008 proceedings that the Papilė Jewish community record books for the relevant period were not in the archive.<sup>47</sup> The destruction was not new information; it dated to the First World War. The archive’s confirmation should have been the dispositive answer to why a birth certificate could not be produced for someone born in 1902 in Papilė.

The court used the absence in the opposite direction. The missing register was treated not as exculpation but as failure of proof. The Lithuanian state record, military, hospital, internal passport, regimental, was discounted as insufficient. The missing Jewish communal record was elevated to the dispositive document whose absence determined the case.

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<sup>46</sup>Vilnius Apygardos administracinis teismas decision (note 38). The full formulation: “From the photographs provided it is not evident that this person is actually Samuel Gochin.” On the structural pattern of post-Communist Lithuanian Holocaust memory — in which the artifacts of Lithuanian Jewish life are recognized while descendants and accountability claims are administratively kept at distance — see Silvia Foti, *Storm in the Land of Rain: A Mother’s Dying Wish Becomes Her Daughter’s Nightmare* (Regnery History, 2021), documenting the same architecture as applied to the rehabilitation of Holocaust collaborator Jonas Noreika.

<sup>47</sup>Lithuanian National History Archive correspondence to Vilnius Apygardos administracinis teismas, 2008, on file in case Nr. I-2369-426/2008.

This is the oldest mechanism of hostile documentation. History destroys the Jewish record. The state asks the Jewish descendant to produce it. When he cannot, the state treats the absence as his failure rather than the state's, or history's, failure.

The weaponization is structural. A neutral evidentiary regime would treat the destruction of communal records as a factor weighing toward acceptance of secondary evidence, exactly as the 1919 framework had done. The 2008 application of the regime did the inverse: secondary evidence was discounted because of the missing primary, and the missing primary was the applicant's burden to overcome.

The 1922 Department of Citizen's Security had used the same maneuver. The records were destroyed; the family had testified; the local council had endorsed; the central Department had refused on documentary grounds. Eight people died. The structural identity of the 1922 and 2008 maneuvers is not coincidence.

## §15. Five lawsuits

The litigation that followed produced a numbered case-file record of the Lithuanian state's evidentiary theory in writing. The five Lithuanian case numbers are listed here for archival use:

- Civilinė byla Nr. 2-1396-553/08, procesinio sprendimo kategorija 117.1; 118.1.
- Administracinė byla Nr. I-2369-426/2008, procesinio sprendimo kategorija 3.5; 74.
- Administracinė byla Nr. I=1548-171/2010, proceso Nr. 3-61-3-00719-2010-3, procesinio sprendimo kategorija 3.5; 74.
- Administracinė byla Nr. A822-2124/2011, teismo proceso Nr. 3-61-3-00719-2010-3, procesinio sprendimo kategorija 3.5; 79.1.
- Administracinė byla Nr. I=1548-171/2010, teismo proceso Nr. 3-61-3-00719-2010-3, procesinio sprendimo kategorija 59; 73.<sup>48</sup>

The case files are public record under Lithuanian administrative law. They are available to any researcher willing to file the relevant access requests at the Vilnius Apygardos administracinis teismas archives and the Vyriausiasis administracinis teismas archives.

The case-file record demonstrates the evidentiary theory in operation. Lithuania's lower courts and Migration Department had to put in writing the theory they were using against Jewish descendants. They wrote: military records insufficient, internal passport records insufficient, photograph identification insufficient, witness testimony insufficient (including testimony from a recognized public figure), expert military-historical confirmation insufficient. The composite proof was insufficient because the proof had been theoretically separable into individually insufficient parts. Each fragment was made lonely. The whole was avoided.

The whole was avoided because the whole defeated the refusal.

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<sup>48</sup>Case numbers per the Degutis letter (note 2). The case files are public record under Lithuanian administrative law and are available to researchers through the Vilnius Apygardos administracinis teismas archives and the Vyriausiasis administracinis teismas archives. English-language translations of the principal decisions are hosted at the Times of Israel CDN: [18 September 2008 decision](#); [23 September 2010 decision](#); [22 July 2011 Supreme Administrative Court reversal](#).

This is the diagnostic line. The Lithuanian state, in 2008–2010, used fragmentation as the technique. The case files exist in Lithuanian state archives; future researchers can verify the analysis directly.

## **§16. The 2011 Supreme Administrative Court reversal**

On 22 July 2011, the Lithuanian Supreme Administrative Court reversed.<sup>49</sup> The reversal did not depend on a miraculous missing document. It depended on legal sufficiency, and on the court’s insistence that the Migration Department evaluate the whole evidentiary record, including documents the Department had failed to analyze.

The court held that the Migration Department had failed to evaluate the evidence as a whole, and ruled that Lithuanian citizenship law did not provide an exhaustive list of documents that could prove family links. The court concluded:

*“The whole of the evidence lets the court conclude that Samuel Gochin was born on 1902 February 15 and that the claimant is the grandchild of Samuel Gochin.”*

That phrase, “the whole of the evidence,” is the holding.<sup>50</sup> The lower court and the Migration Department had refused to read the record as a whole. The higher court ordered the record to be read as a whole. Reading it as a whole produced the obvious answer.

The Migration Department had been free to read the record as a whole at any point in the preceding seven years. It had not done so. It had been free to read the 1919 framework as it was written, with secondary evidence and witnesses sufficient. It had not done so. It had been free, in 2007, to issue its determination at any time during the three years it held the file open, rather than within days of a Supreme Court ruling that supplied alternative cover. It had chosen the timing it chose.

The 2011 reversal corrected the 2008 denial. It did not correct the institutional pattern that produced the denial.

## **PART IV: WHAT THE METHOD WAS FOR**

### **§17. Confidential admissions**

During the period of the litigation, Lithuanian Government employees with knowledge of the Migration Department’s case-handling told me, on a confidential basis, two reasons why the Department was reluctant to grant Jewish applications.

The first reason: fear of changing the “National Character” of Lithuania as presently constituted. The second reason: fear of Jewish property claims if heritage was recognized.<sup>51</sup>

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<sup>49</sup>Vyriausiasis administracinis teismas, Administracinė byla Nr. A822-2124/2011, 22 July 2011.

<sup>50</sup>Vyriausiasis administracinis teismas decision (note 49); [English translation](#).

<sup>51</sup>Per the Degutis letter (note 2). The author maintains the underlying records of these confidential statements and has, in the fourteen years since the Degutis letter was sent, received no challenge to the substance of the statements

I do not name these sources. I have published their statements before, contemporaneously, in correspondence with Lithuania's Ambassador to Israel, Darius Degutis, on 15 November 2011.<sup>52</sup> The Ambassador did not, in any subsequent correspondence, dispute the substance of the statements. He neither confirmed nor denied. The substance, accordingly, sits on the public record as a contemporaneous report from inside the Lithuanian governmental apparatus, not contested by the relevant Lithuanian official to whom it was directly conveyed.

I report these statements as contemporaneous confidential accounts, not as independently adjudicated findings. Their importance is corroborative. The statutory architecture documented in §18 below establishes, on its own and from official sources, why those admissions made internal sense to the officers who made them. The architecture carries the accusation. The admissions confirm that those operating inside the architecture understood what it was doing.

The "National Character" formulation is plainly ethnonationalist. Twenty-first century Lithuania, an EU and NATO member, was administering its citizenship law on the operative theory that recognition of Jewish heritage by descent threatened the ethnic composition of the state. That theory is incompatible with the legal framework of either the EU's Charter of Fundamental Rights or Lithuania's own Constitution. It was nevertheless, on this report, the operating theory of the Migration Department's caseload.

The "property claims" formulation has a longer history. Lithuanian state reluctance to recognize Jewish heritage by descent has been observed by historians and Jewish community organizations to track Lithuanian state reluctance to address Holocaust-era property restitution. The two reluctances reinforce one another. To recognize a Jewish descendant is, in the structural worry, to reopen the question of what was taken from the descendant's grandparents and what is still held by their non-Jewish neighbors' grandchildren.

## **§18. The restitution lock**

The "property claims" admission described in §17 was not a Migration Department officer's private worry. It was the operational expression of an architectural relationship between Lithuanian citizenship law and Lithuanian property restitution law that had been built into Lithuanian statute from 1991 forward.

The architecture is straightforward. Lithuanian restitution law tied eligibility to citizenship. Lithuanian citizenship law made citizenship difficult for Jewish descendants to obtain. The two regimes operated in tandem to exclude the population most likely to make property claims, namely the survivors and descendants of Lithuanian Jews whose property had been seized between 1940 and the post-war period.

On 18 June 1991, Lithuania passed the Law on the Procedure and Conditions of Restoration of the Rights of Ownership to the Existing Real Property. The 1991 Law tied restitution to two

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from any Lithuanian official. The structural basis of the "property claims" admission is documented in §18 below, with primary-source citations at notes 53–59.

<sup>52</sup>Degutis letter (note 2).

requirements: current Lithuanian citizenship and permanent residence in Lithuania.<sup>53</sup> The dual requirement was, in operation, an exclusion of essentially the entire diaspora. The World Jewish Restitution Organization's country page on Lithuania puts the result in plain terms: the Lithuanian restitution laws "applied only to citizens, thus precluding most foreigners of Lithuanian origin from recovering confiscated property," and many of those deemed ineligible "later became eligible to regain their citizenship through changes in the citizenship law" — changes that came after the 31 December 2001 restitution deadline had already expired.

In 1997, Lithuania passed the Law on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property. The statute's title is itself the disposition: "of Citizens." The 1997 Law dropped the permanent-residence requirement but preserved the citizenship requirement.<sup>54</sup> Heirs of Holocaust-era Lithuanian Jewish property owners could file claims only if they were, at the time of filing, Lithuanian citizens.

Article 10 of the 1997 Law set the application deadline at 31 December 2001 and required submission of the citizenship certificate together with the application. A subsequent amendment permitted previously-filed applicants to submit supporting documents through 31 December 2003. The deadline for new applications, however, did not move. Lithuania's own Migration Department has stated, in published commentary on the operation of the statute, that "a person had to acquire citizenship of the Republic of Lithuania and also to become a suitable subject until 31 December 2001."<sup>55</sup>

That sentence, written by the Lithuanian state about its own restitution regime, is the lock.

To file a Lithuanian restitution claim, a Jewish descendant of a pre-1940 Lithuanian property owner needed to (i) be a Lithuanian citizen by 31 December 2001 and (ii) file a complete application by 31 December 2001. Both requirements operated against the descendants of the Litvak diaspora. The first foreclosed the second.

During the same decade, 1991 to 2001, the Migration Department's caseload on Jewish citizenship applications operated as documented in earlier sections of this piece. Jewish applicants identified as "Jew" on the application form. Documentary requirements were applied that exceeded the documentary requirements applied to non-Jewish applicants. Witness testimony was discounted. Surviving state records were treated as insufficient. The Department disposed of cases through delay, repeated additional document requests, and sustained denials.

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<sup>53</sup>Law on the Procedure and Conditions of Restoration of the Rights of Ownership to the Existing Real Property, 18 June 1991. The 1991 Law required current Lithuanian citizenship and permanent residence in Lithuania. See [World Jewish Restitution Organization, Lithuania country page](#).

<sup>54</sup>Law on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property, 1997 (the title of the operative statute literally restricts the right to citizens). The 1997 Law dropped the permanent-residence requirement but preserved the citizenship requirement. See WJRO, Lithuania country page (note 53); WJRO, [Overview of Immovable Property Restitution/Compensation Regimes — Lithuania](#) (December 2016) ("WJRO 2016 Overview").

<sup>55</sup>Article 10 of the 1997 Law set the application deadline of 31 December 2001 and required submission of the citizenship document with the application. A subsequent amendment permitted submission of supporting documents by 31 December 2003 for applications already on file. The Migration Department of the Republic of Lithuania has confirmed in its own published commentary, in unambiguous terms, that "a person had to acquire citizenship of the Republic of Lithuania and also to become a suitable subject until 31 December 2001." [Restoration of the Rights of Ownership to the Existing Real Property in Lithuania](#) (Migration Department of the Republic of Lithuania).

The mathematical product of the two regimes operating in tandem: deny the citizenship application, the restitution claim cannot be filed; let the deadline lapse, the claim is permanently barred. The Migration Department was not deciding cases against an abstract concern. It was operating one half of a two-part exclusionary architecture, the other half of which was the 31 December 2001 restitution deadline.

The timing of subsequent corrections to the citizenship law confirms the architecture.

On 13 November 2006, the Constitutional Court of the Republic of Lithuania ruled that denial of Lithuanian citizenship on the ground that an applicant had “repatriated to ethnic homeland”, the formula that had been used against many Israeli Jews of Lithuanian descent, was unconstitutional. The ruling came five years after the 31 December 2001 restitution deadline had closed.<sup>56</sup>

On 2 December 2010, Lithuania passed a new Law on Citizenship (Law No. XI-1196), which took effect in April 2011. The new law liberalized restoration of citizenship for descendants of pre-1940 Lithuanian citizens who had fled or been displaced. The Lithuanian state had reformed its citizenship law nine and a half years after the restitution deadline had closed. The reform did nothing for Lithuanian Jews who would now obtain citizenship; the World Jewish Restitution Organization’s 2016 overview notes that the 2010 Law on Citizenship “did nothing to assist those previously ineligible persons from being able to file a restitution claim, because the claims filing deadline under the 1997 Restitution Law closed on 31 December 2001.”<sup>57</sup>

In June 2016, the further amendment described in §20 below made citizenship restoration accessible to interwar Litvak descendants who had previously been turned away by the Migration Department. That amendment came fifteen years after the restitution deadline had closed.

Lithuania liberalized citizenship for Jewish descendants only after the restitution claims window had closed. The state did not phrase the sequence in those terms. The state did not need to. The architecture phrased itself.

The 2004 Constitutional Court amendment that “appeared to grant courts permission to reopen the claims filing deadline” for previously-ineligible persons was, in administrative practice, almost never invoked successfully. Lithuanian courts have continued to enforce the 31 December 2001 deadline against post-2001 citizens with rare exception. As the WJRO has documented, Lithuania has not, even after the 2011 and 2016 citizenship reforms, reopened the restitution application period for the population those reforms made eligible for citizenship.<sup>58</sup>

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<sup>56</sup>Constitutional Court of the Republic of Lithuania, ruling of 13 November 2006, holding that denial of Lithuanian citizenship on the ground of “repatriation to ethnic homeland” was unconstitutional. Per the WJRO 2016 Overview (note 54), this ruling “came after the restitution claims deadline expired on December 31, 2001.”

<sup>57</sup>Law on Citizenship of the Republic of Lithuania, 2 December 2010 (Law No. XI-1196), in force April 2011. Per the WJRO 2016 Overview (note 54): “The 2010 Law on Citizenship — which came into effect in April 2011 — did nothing to assist those previously ineligible persons from being able to file a restitution claim, because the claims filing deadline under the 1997 Restitution Law closed on 31 December 2001.”

<sup>58</sup>WJRO 2016 Overview (note 54), p. 15. A 2004 amendment (Act Amending the Law on Restoration of the Rights of Ownership of Citizens to the Existing Real Property, 12 October 2004, Law No. IX-2490) appeared to grant courts discretion to reopen the deadline for previously ineligible persons. In practice the discretion was rarely

On 20 December 2022, twenty-one years after the deadline closed, the Seimas amended Law No. XI-1470, the Law on Good Will Compensation for the Immovable Property of Jewish Religious Communities, to extend compensation to private immovable property of Jewish persons or their heirs who had had no legal possibility to restore ownership rights under the original restitution procedure. The amended law was signed by President Gitanas Nausėda on 29 December 2022. The amendment excluded land. It covered immovable property other than land. The application window opened in 2023 and closed on 31 December 2023. The total fund was €5–10 million. The per-property symbolic payment was approximately €20,000, regardless of the actual value of the property. Almost 1,000 applications were submitted before the deadline. On 14 July 2025 the Good Will Foundation completed distribution: €7.5 million among hundreds of approved applicants.<sup>59</sup>

Twenty thousand euros per property, twenty-one years late, drawn from a finite pool, on a one-year application window, on immovable property only, with land excluded. This is not restitution. It is the closing entry on an account the Lithuanian state has decided will not be reopened.

The 1922 Department of Citizen’s Security denial killed eight members of one family. The 1991–2001 citizenship–restitution architecture extracted, by foreclosure, the inheritance of thousands of Litvak families that had survived. The methods were different. The principle was identical: deny the Jew the legal status that would unlock the legal right; let the law’s clock run; call the result administrative.

The §17 confidential admission about “Jewish property claims” should now be read against this architecture. The Migration Department officer who confided that the agency was reluctant to grant Jewish applications because of property-claim concerns was not communicating personal anxiety. He was describing a policy whose statutory and administrative components operated together with mathematical precision. That policy did not need to be coordinated by any single official, and it did not need to be written down anywhere as policy. It was implemented by the law itself.

## **§19. The Judenrein effect was structural**

The 2008 dual-citizenship framework that operated against my application had a structural feature that deserves separate analysis.

The framework restored Lithuanian citizenship to descendants of pre-1940 Lithuanian citizens who had left Lithuania. It imposed conditions. The most consequential condition was that

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exercised, and the Constitutional Court of Lithuania subsequently confirmed that absence of citizenship by 31 December 2001 disqualified a person from restitution regardless of when citizenship was later obtained. See Constitutional Court of the Republic of Lithuania, Case No. 40/03; 45/03-36/04, 13 March 2013.

<sup>59</sup>Seimas amendment to Law No. XI-1470 (Law on Good Will Compensation for the Immovable Property of Jewish Religious Communities), passed 20 December 2022, signed by President Gitanas Nausėda on 29 December 2022. The amended law extends compensation to private immovable property (excluding land) of Lithuanian Jews and their heirs who had no legal possibility to restore ownership rights under the original restitution procedure. [WJRO press release, 12 September 2023](#). Application deadline: 31 December 2023. Total fund: €5–10 million; symbolic per-property payment: approximately €20,000. [WJRO press release, 14 July 2025](#) (€7.5 million distributed among hundreds of approved applicants; almost 1,000 applications were submitted before the deadline).

descendants of Lithuanian citizens who had left between the world wars, that is, voluntarily, before the Holocaust, were treated more restrictively than descendants of Lithuanian citizens who had been displaced by Soviet or Nazi occupation.

This produced an arithmetical effect that the Lithuanian Jewish Community itself documented in 2016, by which time the framework was rejecting most applications from interwar Jewish emigrant descendants.<sup>60</sup>

The arithmetic is as follows.

Approximately 96.4 percent of Jews on Lithuanian territory were murdered during the Holocaust, primarily between June and December 1941.<sup>61</sup> The survival rate for Jews who did not voluntarily leave Lithuania before 1940 was effectively negligible. Including pre-Shoah Soviet deportations, the Jewish survival rate was approximately five percent.

Therefore, virtually the only Lithuanian Jews who survived to have descendants alive in 2008 were Jews who had left Lithuania voluntarily before 1940. The South African Litvak community is the largest such cohort; comparable cohorts exist in Israel, the United States, and elsewhere.

The 2008 framework, by structuring restrictions specifically against the pre-1940 voluntary-emigrant category, was structuring restrictions against the only category that had Jewish descendants. The framework's effect on non-Jewish Lithuanians was negligible; non-Jewish Lithuanians who emigrated voluntarily before 1940 were a small share of the diaspora compared to those displaced by Soviet deportation or Nazi occupation. The framework's effect on Jewish descendants was structural exclusion.

This is the Judenrein point. Lithuania did not need to declare its dual-citizenship law as excluding Jews. The demographic facts of the Holocaust had pre-positioned the legal framework to do so on its own. By restricting precisely the category that had Jewish descendants, the law achieved demographic exclusion of Jews from restored Lithuanian citizenship without needing to use the word. The effect was structural; I do not allege a written policy of that name.

I do not argue that every Lithuanian legislator who voted for the framework intended this effect. I argue that the effect is structural, that competent legal-demographic analysis would have anticipated it, and that the persistence of the framework in the face of its anticipated effect, until the 2016 amendment forced a partial correction, places the structural intent firmly on the public record.

## **§20. The 2016 amendment**

The Lithuanian Migration Department's own published commentary on the 2016 amendments is the cleanest available state-language admission of what its prior practice had done. The Migration Department records that the amendments were stimulated by the practice it had itself

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<sup>60</sup>Lithuanian Jewish Community (LZB), [Litvaks Told No on Lithuanian Citizenship](#), 11 April 2016. The LZB documents the Migration Department's pattern denial of pre-1940 Jewish emigrant applications since November 2015, including approximately one thousand South African Jews who had used the earlier provision before mid-2015 suspension.

<sup>61</sup>On the 96.4 percent figure, see standard Holocaust historiography on Lithuania and the Lithuanian Jewish Community's own publications.

formed, under which Litvaks who left Lithuania before 1940 had been required to prove they had left because of threat, persecution, political or historical reasons, or resistance. The Department further records that such documents were “extremely difficult to provide,” causing many Litvaks to be unable to reinstate their citizenship, and that the problem affected communities in Israel, South Africa, and elsewhere.<sup>62</sup>

That is Lithuania’s own state apparatus, in writing, conceding that the Migration Department’s practice had functionally barred Litvak citizenship restoration until 2016. It does not name the practice as targeted at Jews. It does not need to. The Department’s own description identifies the affected population as “Litvaks” — Lithuanian Jews and their descendants in Israel, South Africa, and the global diaspora.

In June 2016, the Lithuanian Parliament amended the dual-citizenship framework to address the bureaucratic exclusion of Litvak descendants. The Lithuanian Jewish Community reported that the amendment was drafted to “pave the way for Litvaks and descendants who left in the interwar period to restore citizenship rights,” because the Migration Department had been rejecting most applications from interwar emigrants since November 2015.<sup>63</sup>

After the amendment, the practical effect was immediate. The Lithuanian Jewish Community, citing BNS, reported that in the third quarter of 2016 alone, 223 people of Jewish ethnicity had citizenship restored, no applications were rejected, and 36 people whose applications had previously been rejected received citizenship.<sup>64</sup> By 2017, citizenship-restoration numbers were rising quickly, with most applicants Litvaks from Israel and South Africa.<sup>65</sup>

I do not claim that the 2016 amendment carries one man’s signature. Laws are changed by parliaments, committees, embarrassment, advocacy, litigation, publicity, and timing. The sequence belongs on the public record. My five-lawsuit case file forced Lithuania’s evidentiary method into documentary visibility. Other Litvaks faced their own bureaucratic obstacles in the years that followed. The Lithuanian Jewish Community, the international Jewish press, and members of foreign legislatures eventually applied sustained pressure. Lithuania amended.

The state did not volunteer generosity. It corrected exposed resistance.

The correction also did not erase the resistance. The 2008 denial, the 2010 lower-court affirmation, and the 2015 suspension of pre-1940 Jewish emigrant applications, these remain on

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<sup>62</sup>Migration Department of the Republic of Lithuania, [Restoration of Citizenship of the Republic of Lithuania](#). The Department’s commentary records that the 2016 amendments were stimulated by the practice formed by the Migration Department itself, under which Litvaks who left Lithuania before 1940 had been required to prove they had left because of threat, persecution, political or historical reasons, or resistance, and that such documents were “extremely difficult to provide,” resulting in the inability of many Litvaks to reinstate citizenship and affecting Litvak communities in Israel, South Africa, and elsewhere.

<sup>63</sup>Lithuanian Jewish Community, [Lithuanian Parliament to Consider Amendment for Litvak Citizenship](#), 22 June 2016; [Lithuanian Parliament Rushes to Aid of Litvaks](#), 17 June 2016.

<sup>64</sup>Lithuanian Jewish Community, [Lithuanian Citizenship Granted Several Hundred Litvaks after Correction to Law](#), 27 December 2016. Citing BNS data: 223 Jewish citizenship grants in Q3 2016 alone, with no rejections in that quarter and 36 reversals of prior denials.

<sup>65</sup>Lithuania Tribune, [Litvaks actively apply for Lithuanian citizenship](#).

the public record as data points about the Lithuanian state's instinct toward Jewish citizenship claims. The amendment changed the law; it did not refute the diagnosis.

## **§21. The cross-century conclusion**

The Lithuanian state's evidentiary theory against Jewish citizenship claimants has operated, with the same internal logic, across two distinct historical periods, two distinct administrative bodies, and three distinct generations of one family.

In 1922, the Lithuanian Department of Citizen's Security denied my great-grandfather Avram Gochin's family re-entry from Russian Imperial deportation, on the ground that they "lacked the documents to prove they were Lithuanian." The deportation had destroyed the documents. Avram and at least seven other family members died.

In 2008, the Lithuanian Migration Department denied my application for citizenship by descent, on the ground that the documents Lithuania had on Samuel Gochin were insufficient to prove he was the same Samuel Gochin who fathered Harold in South Africa. The Holocaust had destroyed the family's continued presence in Lithuania, which was the Holocaust's purpose. Lithuania, in 2008, applied the theory the survival of those events had outlasted.

Between these two denials lies the architecture documented in §18. From 1991 forward, Lithuanian restitution law required citizenship as the precondition for property recovery. From 1991 to 2001, the Migration Department's denial of Jewish citizenship applications operated in tandem with the 31 December 2001 restitution deadline to exclude the Litvak diaspora from the property of its murdered ancestors. Citizenship was liberalized only after the deadline had closed. The 2008 denial in my case was an instance of the citizenship side of that architecture, applied to a family whose claim was not for property but for recognition. The state declined recognition with the same instinct, and the same evidentiary technique, with which it had declined property.

The 2008 application of the theory failed, in my case, not because Lithuania reformed but because the family had survived enough, in South Africa, with documents, with witnesses, with funds for litigation, to fight back. The 2011 reversal corrected the 2008 outcome. The 2016 amendment opened the door for several thousand Litvak descendants who would otherwise have been excluded from restored Lithuanian citizenship. The 2022 symbolic compensation program offered €20,000 per property, twenty-one years late, drawn from a finite pool, against losses whose actual value was substantially greater. Each correction came after exposure had made the previous position untenable. None came before.

The 2008 reversal does not retroactively redeem the 1922 denial. It cannot. The eight family members are dead. There is no reversal that brings them back. The 2022 symbolic compensation program does not retroactively redeem the 1991–2001 architecture. It cannot. The properties were taken, the deadline closed, the claims foreclosed; what remains is a closing entry on an account the state has decided will not be reopened.

What also remains unfinished is the Lithuanian state's institutional acknowledgment that the 1922 method, the 1991–2001 architecture, and the 2008 method were instances of the same operating principle. The reversals acknowledged outcomes, where they acknowledged anything. They did not acknowledge methods. The 2016 amendment corrected the dual-citizenship law's

demographic exclusion. The 2022 amendment provided a symbolic payment. Neither named the exclusion as the policy it had functionally been.

The record is therefore left to the documentary apparatus. The 1922 archival fund references, the 1991 and 1997 statutes, the 31 December 2001 deadline, the Lithuanian Migration Department's own commentary on its operation, the 2008 case numbers, the 2011 reversal, the confidential admissions, the 2016 and 2022 amendment chronologies, all are now in the public domain. Future researchers will have what they need to make the determination Lithuania has not yet made about itself.

When Jewish evidence proves a Jewish claim against Lithuania, Lithuania's first answer is not recognition. It is resistance. The record stands.