I. ADDITIONAL SUBMISSIONS

I. APPLICANT'S STANDING

1. Applicant is a descendant of a Jewish family which had lived in Lithuania for 600 years when the Holocaust began.[1] He lost dozens of relatives in the Holocaust.[2] Those murdered included:
    - His grandfather's first cousins, Meyer Simon Gochin and Tsile Gochin;
    - Meyer's wife, Rochel Reiza (maiden name Gittelson);
    - Meyer and Rochel's daughter Miriam;
    - Miriam's son Raymond;
    - his Uncle Moses and Aunt Tsipa; and
    - Tsile's five children.[3]

2. Applicant's family lived in Papilė, in the Šiauliai district.[4] Noreika served as an authority figure in the district beginning in early August 1941.[5] The Jews of Papilė who had not yet been murdered were transferred to the Žagarė ghetto in late August 1941. Several of Applicant's relatives were killed around the time of the liquidation of the Žagarė ghetto in early October 1941.[6] Noreika had ordered the ghetto established; the ghetto was in Šiauliai district; and Noreika exercised authority over it.[7]

3. It is well known that "the glorification of war criminals… directly hurts and provokes those who suffered the consequences of the war."[8]Applicant has been personally impacted by the crimes against his relatives. Applicant's grandfather was born in Papilė, in the Šiauliai district. Applicant's grandfather had left Lithuania before the Holocaust, but spoke of and passed on the trauma from the loss of his family members.[9]

4. When the Holocaust began, Gochins had lived in Lithuania for 600 years. The crimes set forth herein and other crimes against the Jews of Lithuania ended their family's life in Lithuania.[10]

II. JONAS NOREIKA

5. Jonas Noreika was a leader of the Lithuanian forces that collaborated with Nazi occupiers of Lithuania during the Holocaust. As set forth in sections e-g of the attached application form, Noreika has been memorialized by Lithuania for his role in the resistance against the Soviet Union.

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[1]Annex 6, Complaint to GRRCL submitted on 16th of January 2020, p.7.
[2] See Annex 17
[3]*Id*.
[4]*See* para. 36.
[5]*See* para. 37.
[6]*See* para. 36
[7]*See* para. 35
[8] High Representative Valentin Inzko, quoted in Danijel Kovacevic, Bosnian Serbs Given Deadline to Revoke War Criminals' Honours, Balkan Transitional Justice, 3 February 2021, available at https://balkaninsight.com/2021/02/03/bosnian-serbs-given-deadline-to-revoke=-war-criminals-honours/.
[9]Annex 6, Complaint to GRRCL submitted on 16th of January 2020, p.7.
[10]*Id*.

6. Applicant has no quarrel with Noreika's resistance activities. This case is singularly concerned with his involvement in the Holocaust. In response to Applicant's repeated communications, GRRCL has omitted, distorted, and/or minimized Noreika's responsibility for crimes against Lithuanian Jews during the Holocaust. Jews in Noreika's areas of responsibility were expelled from their homes; forced into and detained in ghettos in inhumane conditions; their belongings were stolen; and almost all of them were murdered during the implementation of the Holocaust in Lithuania.

7. Specifically, between June 1941 and his arrest in 1943, Noreika was an official in the northwest part of Lithuania. A map of the region is attached at Annex 18.

8. The structure of the collaborationist regime evolved quickly, reaching its final form in early August 1941. Noreika served at minimum as:

- Briefly Plungė commandant and then head of the LAF office in Plungė between 28 June and mid-July; [11]
- Head of the LAF office in Telšiai by 24 July 1941;[12] and
- Head of the Šiauliai district beginning in early August 1941.[13]

9. Almost all the Jews in Plungė, Telšiai, and Šiauliai were murdered, primarily while Noreika held positions of authority in their respective areas.

III. NARRATIVE – GENOCIDE OF LITHUANIAN JEWRY

10. In 1939, the Nazis and the Soviet Union divided Eastern Europe into "spheres of influence" in the Molotov-Ribbentrop Pact. A supplementary protocol placed all of Lithuania within the Soviet sphere of influence.[14]

11. In June 1940, Soviet forces took control of Lithuania. Approximately two months later, the Soviet Union formally annexed Lithuania. During the Soviet Occupation, Noreika was a member of the Lithuanian Activist Front ("LAF") which was opposed to Soviet control and annexation. The LAF was headed by Kazys Škirpa, who was also Lithuania's Ambassador to Germany.[15] It met in Berlin.[16]

12. LAF leadership issued statements asserting the LAF "deeply believ[ed] in ideas of great leader of German nation Adolf Hitler" and Lithuania would be "cleansed of

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[11] *See* Annex 1 (First Noreika Memorandum), p.2; Memoirs of servant of Plunge commandant's office: A.Pakalniskis, Septintojiknyga, Chicago 1982, pp. 63, 66;https://silviafoticom.files.wordpress.com/2018/09/pakalniskis-septintojivasara-siaubingojivasara.pdf.

[12] *E.g.* Annex 19, Noreika Order 24 July 1941; *see* Annex 1 (First Noreika Memorandum), p.1.

[13] *E.g.* Annex 20, Noreika Order 6 August 1941, *see* Annex 1 (First Noreika Memorandum), p.2.

[14] *See* Algimantas P. Gureckas (1991), "Lithuania's Boundaries and Territorial Claims between Lithuania and Neighboring States," 12 NYLS Journal of International and Comparative Law No. 1, Article 3, at pp.108-109 and fn.6 (citations omitted), available at: https://digitalcommons.nyls.edu/journal_of_international_and_comparative_law/vol12/iss1/3.

[15] *E.g. id.*

[16] Annex 21,.LAF document "Dear enslaved brothers"

alien race", meaning Jews.[17]It declared Jews' "right of refuge" in Lithuania to be "revoked completely and for all times" because of their "betrayal of state and Lithuanian nation",[18] and called on local Lithuanians to support a forthcoming Nazi invasion through "local uprisings" and "inform Jews, that their destiny is sure, therefore those who can, let them get out from Lithuania today, to avoid unnecessary victims. In decisive moment take over their property to your own hands…"[19]

13. In the early hours of 22 June 1941, Nazi forces invaded Lithuania. Within a few months, approximately80% of Lithuania's Jews had been murdered. Almost all the remaining Jews were murdered between 1942 and 1945.[20]

14. The case at Nuremberg against leaders of the Nazis' Einsatzgrüppen – which led the implementation of the "Holocaust by bullets" in Lithuania and elsewhere – provides valuable context. The court found the Einsatzgrüppen leaders were instructed in May 1941, before the invasion of Lithuania and other Soviet-occupied territories, that all Jews in those areas should be murdered[21] and that they had reported to the Nazi leadership that they emphasized the use of local collaborators to murder the Jews of the Baltic countries, including Lithuania.[22]

15. Einsatzgruppe A was responsible for Lithuania.[23] It was commanded by SS *brigadeführer* Franz Stahlecker.[24] Einsatzkommando 2, a sub-unit of Einsatzgruppe A, was initially responsible for the Šiauliai region. It was replaced in October by Einsatzkommando 3.[25] By mid-July, a unit of Einsatzkommando 2 was based in Šiauliai.[26] By October, more than 40,000 Jews had been killed in the Šiauliai region *(apygarda),*[27]which included Šiauliai and Telšiai districts, among others.[28] By 1 December, Einsatzkommando 3 was able to report, "the goal of solving the Jewish problem for Lithuania has been achieved by Einsatzkommando

[17]Annex 22, LAF document "Call to Lithuanian nation"
[18]Annex 23, LAF document "Cancellation of hospitality to Jews".
[19]Annex 21.
[20] Yitzhak Arad, *The 'Final Solution' in Lithuania in the Light of German Documentation*, available at https://www.yadvashem.org/untoldstories/Documents/studies/The_Final_Solution.pdf.
[21]*US v. Ohlendorf et al*., Judgement, p.415. *See* Major War Criminals, Transcript of January 1946, Testimony of Otto Ohlendorf, pp.316-317, 337-338, 340.
[22]*See*Annex 1 (First Noreika Memorandum), p.2 ("From the first days of occupation, Nazi regimen started implemented the policy of Jewish persecution and extermination, which had been pre-planned before war, in Lithuania. From the end of June, 1941 till the middle of September, 1941, first Jews were isolated, i.e., brought to temporary concentration camps, small ghettos in province, large ghettos in Vilnius, Kaunas, Šiauliai. Some days or weeks later, Jews destruction operations used to take place. Nazi succeeded to involve a part of national residents, working in civil administration, various positions of Lithuanian police, in the persecution and destruction of Jews").
[23]*Ohlendorf*, p.414.
[24]*Id*.
[25]Annex 24, Jäger Report, p.2, available at https://mchekc.org/wp-content/uploads/2019/10/jager-report.pdf?x63307.
[26] Yitzhak Arad, *The 'Final Solution' in Lithuania in the Light of German Documentation*, p.241, available at https://www.yadvashem.org/untoldstories/Documents/studies/The_Final_Solution.pdf.
[27]*See* Annex 24, Nuremberg Ex. L-180.
[28]*See* Annex 18.

3. In Lithuania, there are no more Jews, other than the Work Jews, including their families."[29]

16. In a report, Stahlecker explained that he had made efforts to create an appearance that "the liberated population themselves took the most severe measures against the Bolshevist and Jewish enemy quite on their own…[30] The court noted Einsatzgruppe A had "work[ed] up special squads [of local men] to carry about pogroms in Lithuania and Latvia."[31]

IIIA. Crimes against the Jews of Plungė

17. Plungė is in western Lithuania.[32] Noreika served as commandant there shortly after the German invasion and soon became head of the LAF office, located in the same building.[33]

18. The Jewish community of Plungė was murdered *en masse* while Noreika served as head of the LAF office. The Jews of Plungė were expelled from their homes and locked in the Plungė synagogue around the end of June, just days after the uprising. They were detained for approximately two weeks. On 12-13 July 1941, white armbanders murdered 1,800 Plungė Jews.[34] One witness has recounted that Noreika personally ordered their execution, though others claim that Plungė town commander Alimas organized the execution and it was ordered by German officials.[35]

19. At the time Noreika lived across the street from the synagogue where the Jews were held and worked in the same building as Alimas.[36]

20. Small groups of Jews were murdered near Plungė town in the days immediately following the mass execution.[37]

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[29]Annex 24, Jäger Report, p.3. While Einsatzkommando 3, which issued the Jäger Report, had not initially been responsible for the Šiauliai region, it became responsible for the region in October 1941 and included the contemporaneous situation in the region – where only 4,500 "working Jews" remained alive - in the Jäger Report. *See* p.7.

[30] *Ohlendorf*, pp.435-436, citing Annex 24, Exh.L-180.

[31] *Ohlendorf*, p.436. *See*Annex 24, Exh.L-180("In accordance with the basic orders received, however, the cleansing activities of the Security Police had to aim at a complete annihilation of the Jews. Special detachments reinforced by selected units -in Lithuania partisan detachments, in Latvia units of the Latvian auxiliary police- therefore performed extensive executions both in the towns and in rural areas. The actions of the execution detachments were performed smoothly. When attaching Lithuanian and Latvian detachments to the execution squads, men were chosen whose relatives had been murdered or removed by the Russians").

[32] *See*Annex 18

[33]Annex 25 (Tourist map "On pathways of Plunge Jews"); Memoirs of servant of Plunge commandant's office: A.Pakalniskis, Septintojiknyga, Chicago 1982, pp. 63, 66, available at https://silviafoticom.files.wordpress.com/2018/09/pakalniskis-septintojivasara-siaubingojivasara.pdf.

[34] Holocaust Atlas of Lithuania, Mass Murder of the Jews from Plungė, available at http://www.holocaustatlas.lt/EN/#a_atlas/search//page/1/item/186/.

[35] Memoirs of servant of Plunge commandant's office: A.Pakalniskis, Septintojiknyga, Chicago 1982, pp. 63, 66, available at https://silviafoticom.files.wordpress.com/2018/09/pakalniskis-septintojivasara-siaubingojivasara.pdf; Annex 1 (First Noreika Memorandum), p.4.

[36]*See* Annex 25.

[37] Holocaust Atlas of Lithuania, Mass Murder of the Jews in Plungė cemetery, available at http://www.holocaustatlas.lt/EN/#a_atlas/search//page/1/item/233/; Holocaust Atlas of Lithuania, Mass Murder of the Jews near Jovaišiškė, available at http://www.holocaustatlas.lt/EN/#a_atlas/search//page/1/item/232/.

IIIB. Crimes against the Jews of Telšiai

21. In 1940, 2,800 Jews lived in Telšiai – approximately 48% of its population.[38]

22. Noreika served as the LAF leader in Telšiai after the massacre in Plungė.[39] In the second half of July 1941, many Jews were massacred in Telšiai district:

    a. On about 15-16 July, a few hundred Jews from Telšiai district were murdered by the Einsatzkommando 2 unit based in Šiauliai;[40]
    b. Between 15-21 July, at least 800 Jews from Telšiai were murdered at the Rainiai manor;[41]
    c. On around 17-18 July, at least 200 Jews in Telšiai district were murdered in the Viešvėnai camp.[42]

23. During the time Noreika was a LAF official in Telšiai, the LAF published a newspaper called *Žemaiciu Žemė (Samogitian Land).Žemaiciu Žemė*was printed in Telšiai and distributed in the Žemaitija region. Itrepeatedly emphasizedalliance with Nazi Germany and published anti-Jewish propaganda; among others, it published extracts from *Mein Kampf*[43] and articles alleging crimes during the Soviet occupation by "Stalin hooligans and Jews" which proudly announced "a cultural Germany will not tolerate for Jewish barbarians to finish demolishing European spiritual and material values and will hit such a blast to Asians, from which all Jewish army will shatter,"[44] called for boycotting Jewish doctors, to whom it concluded "we should say fare well for all time", and blamed Jews for inventing communism.[45]

24. Issue 3, published on 15 July 1941, described all Jews as parasites:

> …there are parasites attached to the body of [the] Lithuanian nation, which suck Lithuanian blood, not once make circumstances of infection and unseeingly poison the spirit of Lithuanian nation with sprouts of racial malformation and tragic non concert with reality. Those attached are Jews, economical suckers, "burlok" Russians, a nest of thievery and darkness, and the remaining lords of feudalism with their Warsaw colleagues…

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[38]YadVashem, Telšiai, available at https://www.yadvashem.org/untoldstories/database/index.asp?cid=555.
[39]Annex 19, Noreika Order 24 July 1941; *see* Annex 1 (First Noreika Memorandum), p.1; *see*Annex 26 ,Žemaiciu Žemė No 5, p 4.
[40]YadVashem, Telšiai, available at https://www.yadvashem.org/untoldstories/database/index.asp?cid=555. *See* Holocaust Atlas of Lithuania, Mass Murder of the Jews in the Geruliai Forest, available at http://www.holocaustatlas.lt/EN/#a_atlas/search//page/1/item/241/.
[41] Holocaust Atlas of Lithuania, Mass Murder of the Jewish Men at the Rainiai Manor, available at http://www.holocaustatlas.lt/EN/#a_atlas/search//page/1/item/123/. On 22 July, the assistant chief of Telšiai municipality police ordered their property transferred to Telšiai town. Annex 27.
[42] Holocaust Atlas of Lithuania, Mass Murder of the Jews in the Viešvėnai camp, available at http://www.holocaustatlas.lt/EN/#a_atlas/search//page/1/item/142/.
[43]Annex 28
[44]Annex 29, Issue 2.
[45]Annex 29, Issue 3.

> Therefore for attempts to despise Lithuanian national culture, for blood of partisans slaughtered in stealth, for those shot and tortured in prisons, for tragedies and heads of thousands deported Jews must answer. It is not enough to eliminate them from state life, but maybe their destiny will be solved at once, them in order not to eat bread of our land, without any delay should be driven to labour squads for public works in order at least to restore what their reddish spiritual fathers have demolished with their own hands.[46]

25. Issue 5, published on 25 July 1941, described a celebration on 20 July in Telšiai town – shortly after the Viešvėnai and massacre and around the same time as the Rainiai massacre.[47] The newspaper alleged citizens "want to show joy… thankful and friendship feelings towards great Germany and its genius leader", and described a speech Noreika gave at the same celebration in his capacity as LAF leader for Telšiai district.[48]

26. The same issue included an article entitled "Our Way." It called on readers to:

> eliminate Jews - from old to youngest child - eliminate Jews from Lithuania!
>
> … This is the framework of our way. Eliminate all Jews. Friendly and honest relationships with Great national- socialist Germany. Unity! Attentive listening! Organisation and concentration of all to one - Lithuanian Activist Front! Those our efforts shall be led by such a work that perspiration shall flow in streams through foreheads and backs and the hand of Almighty shall bless Lithuania.[49]

27. After the massacres of the Jews of Telšiai, and after Noreika had moved on to Šiauliai, *Žemaiciu Žemė* celebrated genocide:

> Not so long ago our cities and towns, honestly speaking, we[re] the hearth of biggest dirt, because dirty parasites Jews were living in their centres. Cities and towns were stinking because houses and dwellings accommodated by Jews were endlessly dirty and were polluting the air. Parasites, let's say louses, don't like cleanness. They spawn where there is dirt. Jews didn't like cleanness as well, they lived in manure and were polluting air.
>
> Now Jews are no longer present. Centres of cities are clean, rain have washed away their dung, air is becoming pure, doesn't stink. We begin new life without Jews, without their services and agencies.[50]

28. While in Telšiai, Noreika led a delegation to Kaunas which included the Telšiai chief of police; head of the Telšiai military police; Plungė commander Alimas; the Telšiai district head; and the heads of the local hospital and bank.[51]Echoing some

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[46]Annex 29, Issue 3.
[47] Noreika was one of the celebration's organizers. Annex 1 (First Noreika Memorandum), p.1.
[48]Annex 26
[49]Annex 30.
[50]Annex 29, Issue 9.
[51]Annex 31, Zenonas Blynas. Karo metų dienoraštis, 1941-1944 m., Vilnius, Lithuanian History Institute 2007, entry 31 July 1941; Annex 30.

of the sentiments in this article, it declared, in pertinent part, "nationwide unity and social justice matters would be more effective in a unified Lithuanian nation. This can and will find a basis of practical common work by sincerely and loyally collaborating with the German Nazi pathway." In Kaunas, Noreika's delegation proposed to join LAF with the "Geležinis vilkas" or "Iron Wolf" movement and create a single Lithuanian nationalist party.[52]

IIIC. Crimes against the Jews of the Šiauliai District

29. Aware of the crimes in Telšiai and Plungė, Noreika then took over the Šiauliai District (*apskritis*). The district excluded Šiauliai city and was part of Šiauliai region (*apygarda*). [53] Noreika was appointed to this position during his delegation's visit to Kaunas, a few days after his predecessor resigned. He started work on or about the last day the LAF provisional government functioned, 5 August 1941.[54]

30. On 13 August 1941,Heinrich Lohse, Nazi Reichskomissar for Ostland – which included Lithuania, as well as other areas – issued a provisional directive for the treatment of Jews in Ostland. His directive referred to the "final solution of the Jewish question in the area" which would be taken "in accordance with the instructions in my address of July 27, 1941, in Kovno [Kaunas, Lithuania]."[55]

31. In areas where "further measures for the final solution are not possible", Reichskomissar Lohse imposed persecutory measures including registering Jews; confiscating Jewish property; limiting Jews' freedom of movement; and barring them from many professions. He added that those implementing his directive should strive "vigorously" for cleansing the countryside of Jews and concentrating them in ghettos, among others.[56] History records the creation of such ghettos was "a key step in the Nazi process of brutally separating, persecuting, and ultimately destroying Europe's Jews."[57]

32. Lohse's order was implemented by Šiauliai district commissioner Hans Gewecke the next day.[58]

33. Noreika personally ordered the implementation of some of these measures. For instance, he:

    a. Signed an order for the transfer of Jews into Gruzdžiai, concentrating them.[59]Dozens were murdered shortly thereafter;[60]

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[52]Annex 31, Zenonas Blynas. Karo metų dienoraštis, 1941-1944 m., Vilnius, Lithuanian History Institute 2007, entry 31 July 1941.
[53]*See* Annex 18 (Map).
[54]*E.g.* Annex 1 (First Noreika Memorandum), p.2.
[55]Annex 32, Provisional Directives by Lohse, *Reichskommisar for Ostland*, Concerning the Treatment of Jews, August 13, 1941, available at https://www.yadvashem.org/odot_pdf/Microsoft%20Word%20-%204037.pdf.
[56]*Id*.
[57] U.S. Holocaust Memorial Museum, Holocaust Encyclopedia, Ghettos, available at https://encyclopedia.ushmm.org/content/en/article/ghettos.
[58]Annex 1 (First Noreika Memorandum), p.3.
[59]Annex 33.
[60] *See* para.35.

b. Ordered the cataloguing,[61] seizure[62] and liquidation[63] of Jewish property;
c. Ordered the transfer of the Jews in the district to the Žagarė ghetto, where thousands were eventually murdered;[64]
d. Was involved in the disposition of particular Jewish property and the use of Jews for forced labour;[65]
e. Ordered other Jews ghettoized in late October 1941.[66]

34. Just days after Lohse's order, Noreika inquired about the available non-Jews in professions the order related to, to determine whether firing all the Jews would create practical difficulties.[67]

35. Beyond their persecution through ghettoization, expropriation, and other means, during Noreika's time in leadership thousands of Jews of the Šiauliai region were murdered:

a. The murder of the entire Jewish population of the Žagarė ghetto on 2-3 October 1941, between 2,300 and 3,000 people.[68]Noreika had ordered the establishment of the ghetto; [69] appointed a new mayor of Žagarė (*burmister*); [70] and issued orders on the disposition of Jewish property.[71]The perpetrators included the Šiauliai battalion,[72] who were paid salaries for the relevant period through the office of the chief of Šiauliai district administration – Noreika;[73]
b. The murder of several dozen Jews in the Žagarė Jewish cemetery in late August 1941;[74]
c. The murder of about 400 Jews from Pakruojis on about 5 August 1941, as Noreika was assuming authority;[75]

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[61]Annex 20.
[62]Annex 20.
[63]Annex 34.
[64]Annex 35.
[65] Noreika appointed the manager of a previously Jewish-owned farm and assigned local leaders to "resettle current residents", and "personally intermediate[d]" to request the transfer of a Jewish-owned windmill to a Lithuanian Annex 36 & Annex 37. He communicated about the forced labour of those held in the Šiauliai ghetto. *See* Annex 38.
[66]Annex 39.
[67]Annex 40, Annex 41. *See* Annex 32, p.3 (directing Jewish doctors could only treat Jewish patients and "Jewish veterinarians are forbidden to practice their profession").
[68] Holocaust Atlas of Lithuania, Mass Murder of Jews from the Šiauliai region in Žagarė, available at http://www.holocaustatlas.lt/EN/#a_atlas/search/bendri=Papile.vietove=.aukos=.from_year=0.from_month=0.from_day=.to_year=0.to_month=0.to_day=.killers=/page/1/item/106/. *See also* Annex 24, Jäger Report.
[69]Annex 35.
[70] *See* Annex 42.
[71]*See* Annexes 20 & 34
[72] Holocaust Atlas of Lithuania, Mass Murder of Jews from the Šiauliai region in Žagarė, available at http://www.holocaustatlas.lt/EN/#a_atlas/search/bendri=Papile.vietove=.aukos=.from_year=0.from_month=0.from_day=.to_year=0.to_month=0.to_day=.killers=/page/1/item/106/.
[73] Annex 35 A.
[74] Holocaust Atlas of Lithuania, Mass Murder of Jews in the Žagare Jewish Cemetery, available at http://www.holocaustatlas.lt/EN/#a_atlas/search//page/1/item/107/.
[75] Holocaust Atlas of Lithuania, Mass Murder of the Jews from Pakruojis, available at http://www.holocaustatlas.lt/EN/#a_atlas/search/bendri=.vietove=.aukos=.from_year=1941.from_month=8.from_day=5.to_year=1942.to_month=1.to_day=1.killers=/page/4/item/99/.

d. The murder of about 160 Jews from Žeimelis on about 8 August 1941,[76] a massacre Noreika was directly notified of by the Žeimelis Parish Chief;[77]
e. The murder of about 46 male Jews from Gruzdžiai in late August 1941,[78] after Noreika had signed an order to transfer Jews to Gruzdžiai earlier in the month;[79]
f. The murder of about 72 Jews from Šiauliai in the Ilgoji Lova forest in December 1941.[80]

36. Yad Vashem evidence indicates Meyer Simon Gochin and Miriam Gochin were killed on Yom Kippur 1941 by Lithuanian perpetrators, at the same time as the genocide of the remaining Jews living in the Žagarė ghetto.[81] They were from Papile. Women and children from Papile's Jewish community were transferred to the Žagarė ghetto in August 1941 after Noreika had ordered it established.

37. The *burmister* of Žagare, Simonas Rakstys, previously testified that he was appointed by Noreika before the massacre and implemented Noreika's orders at the time of the massacre.[82]

38. By 1 December, Einsatzkommando 3 Commander Jäger could report to his superiors that only 4,500 "Work Jews" remained alive in the whole Šiauliai apygarda.[83]

IV. Noreika's Personal Responsibility

39. Noreika intended to target Jews for serious crimes, as expressed in his anti-Jewish writings before the war and his actions during it; carried out some of those crimes himself; and knew they were ongoing in his district and took no action to stop them.

40. As such, Noreika committed, incited, ordered, and/or aided and abetted genocide, crimes against humanity, and/or war crimes.

41. As set forth above, Noreika was an authority figure in Plungė, Telšiai, and finally Šiauliai while Jews were massacred in large numbers in each area.[84] His intent for those crimes is expressed in the mass crimes themselves.

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[76] Holocaust Atlas of Lithuania, Mass Murder of the Jews from Žeimelis, available at http://www.holocaustatlas.lt/EN/#a_atlas/search/bendri=.vietove=.aukos=.from_year=1941.from_month=8.from_day=5.to_year=1942.to_month=1.to_day=1.killers=/page/6/item/100/.
[77] Annex 43.
[78] Holocaust Atlas of Lithuania, Mass Murder of the Jews from Gruzdžiai, available at http://www.holocaustatlas.lt/EN/#a_atlas/search/bendri=.vietove=.aukos=.from_year=1941.from_month=8.from_day=5.to_year=1942.to_month=1.to_day=1.killers=/page/8/item/92/.
[79] Annex 33.
[80] Holocaust Atlas of Lithuania, Mass Murder of Šiauliai Jews in the IlgojiLova Forest, available at http://www.holocaustatlas.lt/EN/#a_atlas/search/bendri=.vietove=.aukos=.from_year=1941.from_month=8.from_day=5.to_year=1942.to_month=1.to_day=1.killers=/page/15/item/94/.
[81] See Yad Vashem, Testimony of Jacob Hochin, available at https://yvng.yadvashem.org/index.html?language=en&advancedSearch=true&sfn_value=Jacob&sfn_type=synonyms&sln_value=Hochin&sln_type=synonyms.
[82] Annex 42; *See* Annex 44.
[83] Annex 24, Jäger report, p.7.
[84] *See* paras.18-20, 22, 35.

42. It is also expressed in his pre-war writing of the anti-Semitic "Raise your head, Lithuanian."[85] Noreika asserted that anyone who sold land to a Jewish person was "a traitor… doing … harm to the whole nation", adding "[I]n our homeland we desire Lithuanian welfare, not Jewish!"[86]

43. Noreika also demonstrated his intent through his actions. He accepted a position as District Chief under the Nazis knowing Jews had been murdered in Plungė and Telšiai. He issued orders to expropriate Jewish property and isolate in ghettos Jews who soon after would be murdered,[87] and reportedly ordered the massacre of the Jews held in the Plungė synagogue.[88]As the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania has asked of his ghettoization orders, "If this is not participation in the genocide of Lithuania's Jewish citizens, what is?"[89]

44. Moreover, as district chief, he must have been aware of the mass murder of Jews in the area, as its demographics radically and rapidly changed. Noreika must have specifically known of particular crimes: he must have been aware of the liquidation of the Žagarė ghetto, since he had ordered its establishment and received communications confirming the implementation of his order[90]; living across the street he was certainly aware of the Plungė massacre;[91] and he was directly informed of the Žeimelis massacre,[92] at the same time Jews in and around Šiauliai were being rounded up and sent to Žagarė. GRRCL's decisions cite no evidence he reacted to any of these crimes or took any measures against the perpetrators. Noreika continued to administer the district, including policies which were critical parts of the Final Solution.

45. Noreika must have been aware ghettoization was a stage in the Nazis' genocidal campaign, based on his knowledge of the crimes already committed in Plungė, Telšiai, and Žeimelis, among others. The request he received for nails and wire to fence the ghetto in, and his prompt distribution of the property which legally belonged to those transferred into the ghetto while they were still alive and residing in the area he governed belie any suggestion that he could have believed it was merely a temporary protective measure.

46. GRRCL mistakenly relies upon Noreika's 1943 arrest for anti-German activities, implying without evidence that this indicated his opposition to Nazi racist policies.[93]Noreika's arrest occurred long after the Jews in his area of responsibility had been massacred, and GRRCL does not even assert that the arrest had anything to do with crimes against Jews in the district. It can have no relevance to his complicity for these crimes.

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[85]Annex 45, available at https://silviafoticom.files.wordpress.com/2018/07/pakelk-galva-lietuvi.pdf.
[86]Annex 45.
[87]*See* para.33.
[88]*See* para.18.
[89]Annex 46, p.2., available at https://www.komisija.lt/wp-content/uploads/2019/04/Statement-J.-Noreika-04-11.pdf
[90]Annex 43; Annex 44.
[91] *See* paras.18-19.
[92]*See* para.35.
[93]Annex 1 (First Noreika Memorandum), p.4.

47. Through these actions and omissions Noreika contributed to the crimes above and other crimes committed during the genocide of Lithuanian Jewry and evinced his intent to commit them.

48. Indeed, war crimes tribunals have convicted defendants for conduct similar to that reflected in Noreika's written orders. In the *Major War Criminals* judgement of the International Military Tribunal at Nuremberg, ghettoizing Jews and expropriating property were among the acts which served as the basis for Rosenberg's conviction.[94]Frick was convicted in part due to serving as a local governor, knowing genocide was being committed in his area of responsibility, and permitting it to continue.[95] Von Schirach's conviction noted he had received reports of the extermination of Jews and participated in deporting Jews to ghettos.[96]Lesser violations of the right to freedom of movement than ghettoization have continued to serve as a basis for criminal convictions in contemporary international criminal tribunals.[97]

49. Of course, Rosenberg, Frick, and Von Schirach committed their crimes at far higher levels of authority than Noreika ever exercised, and victimized far more people. But they illustrate a simple point: conduct much of which GRRCL acknowledges Noreika engaged in constitutes crimes against humanity under the law. GRRCL's attempts to deny that fact violate Applicant's rights.

50. Notably, several GRRCL researchers recently publicly criticized GRRCL, decrying problems including "the distortion of history research in an ideological and politicized direction", "the public announcement of irresponsible and unobjective interviews and statements in the Centre's name", the "devaluation of professional competence", and "pressure from the Centre's leadership" and calling for reforms.[98] This Court should affirm clearly established historical facts and recognize the harm such distortions have inflicted on the Applicant.

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[94] IMT, judgment of 1 October 1946, in *The Trial of German Major War Criminals. Proceedings of the International Military Tribunal sitting at Nuremberg, Germany*, Volume22 (22nd August,1946 to 1st October, 1946), pp.496-497.
[95]*Id*., p.500.
[96]*Id*., p.513.
[97]*E.g. Prosecutor v. Brđanin*, Case No. IT-99-36, Judgement (Trial), 1 September 2004, paras.1042-1043, 1049-1050, 1068-1071; Judgement (Appeal), 3 April 2007, paras. 295, 297.
[98] Public statement and measures for basic reforms to the Genocide center by center scholars, cited in Arakadijus Vinokuras, *Time for Genocide Center to Halt Mob Rule and Communist Censorship*, 2 February 2002, available at https://www.lzb.lt/en/2021/02/02/time-for-genocide-center-to-halt-mob-rule-and-communist-censorship/.