



## About this application form

This form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the "Notes for filling in the application form". Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) requires that a concise statement of facts, complaints and information about compliance with the admissibility criteria MUST be on the relevant parts of the application form itself. The completed form should enable the Court to determine the nature and scope of the application without recourse to any other submissions.

### Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

### Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

## A. The applicant

### A.1. Individual

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to section A.2.

1. Surname

Gochin

2. First name(s)

Grant Arthur

3. Date of birth

0 2 1 1 1 9 6 3 e.g. 31/12/1960  
D D M M Y Y Y Y

4. Place of birth

Republic of South Africa

5. Nationality

Lithuanian

6. Address

10900 Winnetka Ave., Chatsworth, CA91311, USA

7. Telephone (including international dialling code)

+1(818)625-6513

8. Email (if any)

ggochin@gmail.com

9. Sex

male

female

### A.2. Organisation

This section should only be filled in where the applicant is a company, NGO, association or other legal entity. In this case, please also fill in section D.1.

10. Name

11. Identification number (if any)

12. Date of registration or incorporation (if any)

e.g. 27/09/2012  
D D M M Y Y Y Y

13. Activity

14. Registered address

15. Telephone (including international dialling code)

16. Email

**B. State(s) against which the application is directed**

17. Tick the name(s) of the State(s) against which the application is directed.

- |   |   |
|---|---|
| <input type="checkbox"/> ALB - Albania                | <input type="checkbox"/> ITA - Italy                |
| <input type="checkbox"/> AND - Andorra                | <input type="checkbox"/> LIE - Liechtenstein        |
| <input type="checkbox"/> ARM - Armenia                | <input checked="" type="checkbox"/> LTU - Lithuania |
| <input type="checkbox"/> AUT - Austria                | <input type="checkbox"/> LUX - Luxembourg           |
| <input type="checkbox"/> AZE - Azerbaijan             | <input type="checkbox"/> LVA - Latvia               |
| <input type="checkbox"/> BEL - Belgium                | <input type="checkbox"/> MCO - Monaco               |
| <input type="checkbox"/> BGR - Bulgaria               | <input type="checkbox"/> MDA - Republic of Moldova  |
| <input type="checkbox"/> BIH - Bosnia and Herzegovina | <input type="checkbox"/> MKD - North Macedonia      |
| <input type="checkbox"/> CHE - Switzerland            | <input type="checkbox"/> MLT - Malta                |
| <input type="checkbox"/> CYP - Cyprus                 | <input type="checkbox"/> MNE - Montenegro           |
| <input type="checkbox"/> CZE - Czech Republic         | <input type="checkbox"/> NLD - Netherlands          |
| <input type="checkbox"/> DEU - Germany                | <input type="checkbox"/> NOR - Norway               |
| <input type="checkbox"/> DNK - Denmark                | <input type="checkbox"/> POL - Poland               |
| <input type="checkbox"/> ESP - Spain                  | <input type="checkbox"/> PRT - Portugal             |
| <input type="checkbox"/> EST - Estonia                | <input type="checkbox"/> ROU - Romania              |
| <input type="checkbox"/> FIN - Finland                | <input type="checkbox"/> RUS - Russian Federation   |
| <input type="checkbox"/> FRA - France                 | <input type="checkbox"/> SMR - San Marino           |
| <input type="checkbox"/> GBR - United Kingdom         | <input type="checkbox"/> SRB - Serbia               |
| <input type="checkbox"/> GEO - Georgia                | <input type="checkbox"/> SVK - Slovak Republic      |
| <input type="checkbox"/> GRC - Greece                 | <input type="checkbox"/> SVN - Slovenia             |
| <input type="checkbox"/> HRV - Croatia                | <input type="checkbox"/> SWE - Sweden               |
| <input type="checkbox"/> HUN - Hungary                | <input type="checkbox"/> TUR - Turkey               |
| <input type="checkbox"/> IRL - Ireland                | <input type="checkbox"/> UKR - Ukraine              |
| <input type="checkbox"/> ISL - Iceland                |   |

**C. Representative(s) of the individual applicant**

An individual applicant does not have to be represented by a lawyer at this stage. If the applicant is not represented please go to section E.

Where the application is lodged on behalf of an individual applicant by a non-lawyer (e.g. a relative, friend or guardian), the non-lawyer must fill in section C.1; if it is lodged by a lawyer, the lawyer must fill in section C.2. In both situations section C.3 must be completed.

**C.1. Non-lawyer**

18. Capacity/relationship/function

19. Surname

20. First name(s)

21. Nationality

22. Address

23. Telephone (including international dialling code)

24. Fax

25. Email

**C.2. Lawyer**

26. Surname

27. First name(s)

28. Nationality

29. Address

30. Telephone (including international dialling code)

31. Fax

32. Email

**C.3. Authority**

The applicant must authorise any representative to act on his or her behalf by signing the first box below; the designated representative must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated above to represent me in the proceedings before the European Court of Human Rights concerning my application lodged under Article 34 of the Convention.

33. Signature of applicant

34. Date

0	8	0	2	2	0	2	1
D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2015

I hereby agree to represent the applicant in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

35. Signature of representative

36. Date

0	8	0	2	2	0	2	1
D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2015
**Electronic communication between the representative and the Court**

37. Email address for eComms account (if the representative already uses eComms, please provide the existing eComms account email address)

By completing this field you agree to using the eComms system.

**D. Representative(s) of the applicant organisation**

Where the applicant is an organisation, it must be represented before the Court by a person entitled to act on its behalf and in its name (e.g. a duly authorised director or official). The details of the representative must be set out in section D.1.

If the representative instructs a lawyer to plead on behalf of the organisation, both D.2 and D.3 must be completed.

**D.1. Organisation official**

38. Capacity/relationship/function (please provide proof)

39. Surname

40. First name(s)

41. Nationality

42. Address

43. Telephone (including international dialling code)

44. Fax

45. Email

**D.2. Lawyer**

46. Surname

47. First name(s)

48. Nationality

49. Address

50. Telephone (including international dialling code)

51. Fax

52. Email

**D.3. Authority**

The representative of the applicant organisation must authorise any lawyer to act on its behalf by signing the first box below; the lawyer must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated in section D.2 above to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

53. Signature of organisation official

54. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

I hereby agree to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

55. Signature of lawyer

56. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

**Electronic communication between the representative and the Court**

57. Email address for eComms account (if the representative already uses eComms, please provide the existing eComms account email address)

By completing this field you agree to using the eComms system.

## Subject matter of the application

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the six-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E, F and G). It is not acceptable to leave these sections blank or simply to refer to attached sheets. See Rule 47 § 2 and the Practice Direction on the Institution of proceedings as well as the "Notes for filling in the application form".

### E. Statement of the facts

58.

This application is by a citizen of Lithuania who currently resides in the United States. For many years he has been engaged in attempts to combat denial of the truth of the Holocaust and the systematic distortion and minimisation of the role in the murder of Lithuanian Jews played by Jonas Noreika, an active collaborator with and participant in the German occupation regime, by the Genocide and Resistance Research Centre of Lithuania (GRRCL), which is an official organ of the Government of Lithuania.

The Applicant is a descendant of a Jewish family that lived in the Šiauliai district of Lithuania since at least the 1700s. Dozens of his relatives in Lithuania were murdered in the Holocaust, including 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.

In 1940, the USSR invaded and occupied Lithuania. Nazi Germany then invaded Lithuania on 22 June 1941 as part of the attack on the Soviet Union. Lithuania remained under German occupation until the end of January 1945. At the time, Jonas Noreika, also known as Generolas Vėtra ('General Storm'), had been a Lithuanian army officer prior to the war. He had also been responsible for the production of anti-Semitic publications. During the period of Soviet occupation, from 1940 to mid-1941, he was an active member of the Lithuanian Activist Front (LAF). The LAF was headed by Kazys Škirpa, who was also Lithuania's Ambassador to Germany. The LAF advocated alliance with Nazi Germany, composed and distributed anti-Semitic propaganda, and called on Lithuanians to support an eventual Nazi invasion and "cleanse" Lithuania of Jews.

Following the German invasion, Noreika worked as an accomplice to the Nazi occupation regime. In late June and early July 1941, Noreika served in Plungė. The Jews of Plungė were all massacred around 15 July 1941.

In July 1941, Noreika served as the LAF leader in Telšiai, where 2,800 Jews lived, about half the population. A large proportion of them were murdered that month. During this time, the LAF newspaper repeatedly emphasized alliance with Nazi Germany and published anti-Jewish propaganda, including extracts from *Mein Kampf*. Issue 5, published on 25 July 1941, included an article titled 'Our Way'. It called on readers to 'eliminate Jews - from old to youngest child - eliminate Jews from Lithuania!'

In August 1941 Noreika was appointed Head of Šiauliai District. He served in this capacity for more than a year. Most of the remaining Jews in Šiauliai District were murdered during his time in power. Noreika personally ordered the implementation of various anti-Semitic measures, including an order for the transfer of Jews into Gruzdžiai, the seizure and distribution of Jewish property, the use of Jews for forced labour, and measures for incarcerating them in temporary ghettos. Among others, Noreika ordered the establishment of the Žagarė ghetto, which was in Šiauliai district, leading to the murder of several thousand Jews including several of the Applicant's relatives on 2-3 October 1941. Evidence in Yad Vashem (the Holocaust museum in Jerusalem) indicates that Meyer Simon Gochin and Miriam Gochin were killed there on Yom Kippur 1941 by Lithuanian perpetrators. Days following the Žagarė massacre, Noreika issued an order on the disposition of the property of those who had been murdered.

The destruction of the Jews of Lithuania is described in the 'Einsatzgruppen case', which is one of the subsequent proceedings held in the Nuremberg courtroom. In its judgment, the Tribunal accepted documentary evidence that the Nazis and their collaborators were responsible for murdering 80,311 Jews in Lithuania by October 1941. (See *United States v. Ohlendorf et al.*, Opinion and Judgment, 8-9 April 1948, (1949) 4 TWC 411, at p. 428). The judgment provides evidence of the involvement of the local population and of 'partisans' in the murders. (*ibid.*, pp. 436, 438, 451). Referring, *inter alia*, to the Holocaust in Lithuania in 1941, the Tribunal said that 'pitilessness reaches its nadir and nothing in Dante's imagined Inferno can equal the horror of what we have discovered happened'. (*ibid.*, p. 500).

Since Lithuania became independent, Jonas Noreika has been glorified as an important and heroic personality for his actions against the Soviet Union. His work to further Nazi anti-Semitic policies has been whitewashed. He was honoured with the country's Order of the Cross of Vytis, first degree, and with memorial plaques including one at the Museum of Occupations and Freedom Fights. His name has been given to streets in the country and to at least one public school. For many years, the Applicant has challenged this glorification of Jonas Noreika and demanded that he be recognised and understood not only as a Nazi collaborator but also as an accomplice in the torment and wholesale murder of thousands of Jews. The Applicant is not alone. Even Noreika's granddaughter, Silvia Foti, has described Noreika as a Nazi collaborator and participant in genocide in her book *The Nazi's Granddaughter, How I Discovered by Grandfather was a Nazi War Criminal* (Washington: Regnery, 2021).

**Statement of the facts (continued)**

59.

One of the promoters of a false narrative about the role of Noreika in the Holocaust is the GRRCL. It is an 'inter-departmental state institution' tasked to: investigate genocide, crimes against humanity, and other crimes committed during the Nazi and Soviet occupations of Lithuania; document resistance to these occupations; and initiate legal assessments of the organisers and perpetrators of genocide. It is funded by the state budget and accountable to the Lithuanian parliament (Seimas) and government.

The relevant Lithuanian law underscores the importance of the GRRCL's mission in light of the repeated invasions, subjugations, and oppressions of Lithuania and its people in the twentieth century. It notes that 'a large number of the Lithuanian population had perished in the struggle for freedom or become victims of genocide' and directs the establishment of a support fund for victims. In order to establish the truth about their victimization, it gives GRRCL law enforcement-style powers to investigate Nazi and Soviet crimes, holding that 'the investigation of genocide and establishment of historic truth may not be interrupted under any pretext' and that persons shall be liable 'for interference, protraction, concealment, destruction of the information held and refusal to testify'. GRRCL is also bound by the Lithuanian Constitution, Law on Public Administration, and Law on Public Information.

As part of its legal assessments, GRRCL issues memoranda assessing the role of various persons allegedly responsible for crimes during the Nazi and Soviet occupations and of persons involved in the resistance. In 2016, GRRCL issued a public memorandum regarding Jonas Noreika (the "first Noreika Memorandum"). It memorialized Noreika for his participation in the Lithuanian resistance against Soviet oppression but minimized and distorted his participation in Nazi crimes against Lithuanians, particularly Lithuanian Jews. On 17 December 2019, during the pendency of Applicant's appeal to the Supreme Administrative Court regarding the First Noreika Memorandum, GRRCL published an additional memorandum (the "second Noreika Memorandum"). In this memorandum, the GRRCL declares that Noreika had led a network which rescued Jews in his district.

**Statement of the facts (continued)**

60.

**F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments**

61. Article invoked

Explanation

Articles 3 and 8

The GRRCL, which is an organ of the Government of Lithuania, through its systematic distortion of history and its denial of the role of Jonas Noreika in the Holocaust, including the murder of relatives of the Applicant, has violated the rights of the Applicant under articles 3 and 8 of the Convention.

Judgments of this Court confirm that a right to truth is included within the scheme of the European Convention. The Court has recognised the right of victims, their families and heirs to know the truth about circumstances associated with a violation of the right to life, especially when this is associated with a large scale or massive violation of fundamental rights (*Association '21 December 1989' and Others v. Romania*, nos. 33810/07 and 18817/08, § 106, 24 May 2011; also *Şandru and Others v. Romania*, no. 22465/03, § 79, 8 December 2009). In *El Masri*, where 'extraordinary renditions' were involved, the Grand Chamber underscored 'the great importance of the present case not only for the Applicant and his family, but also for other victims of similar crimes and the general public, who had the right to know what had happened' (*El Masri v. 'the former Yugoslav Republic of Macedonia' [GC]*, no. 39630/09, § 191, ECHR 2012). In a concurring opinion in that case, several judges referred to a 'right to truth' that they said was implied within the Convention because 'establishing the true facts and securing an acknowledgment of serious breaches of human rights and humanitarian law constitute forms of redress that are just as important as compensation, and sometimes even more so. Ultimately, the wall of silence and the cloak of secrecy prevent these people from making any sense of what they have experienced and are the greatest obstacles to their recovery.' (*Ibid.*, Joint Concurring Opinion of Judges Tulkens, Speilmann, Sicilianos and Keller, § 6.

Although the underlying events took place in 1941, the Applicant considers that the actual violation of his rights took place in 2016 and 2019 with the issuance of the Memoranda of the GRRCL. In that sense, this Application is quite distinct from the temporal jurisdiction issues addressed by the Court where the right to know the truth is linked to the procedural obligation of articles 2 and 3, where *Janowiec et al.* is the leading case. This is not about the procedural obligation and the search for truth but rather the protection against distortion and denial of the truth by State organs. There is authority in the case law of the Court for addressing the distortion of historical truth as an interference with the protection of private life in accordance with article 8(1) of the Convention. For example, in *Aksu v. Turkey*, the Grand Chamber addressed the promotion of negative stereotypes about an ethnic group, noting that 'any negative stereotyping of a group, when it reaches a certain level, is capable of impacting on the group's sense of identity and the feelings of self-worth and self-confidence of members of the group. It is in this sense that it can be seen as affecting the private life of members of the group.' (*Aksu v. Turkey [GC]*, nos. 4149/04 and 41029/04, § 58, 15 March 2012). In a case dealing with the representation of an ancestor as a Gestapo collaborator, the Court recognised the applicability of article 8(1) (*Putistin v. Ukraine*, no. 16882/03, §§ 33, 36-41, 21 November 2013). See also *Jelševar and Others v. Slovenia (dec.)*, no. 47318/07, § 37, 11 March 2014; *Dzhugashvili v. Russia (dec.)*, no. 41123/10, §§ 26-35, 9 December 2014).

This interference with the fundamental rights of the Applicant is particularly egregious because it distorts the Holocaust. The Grand Chamber has spoken of a 'category of clearly established historical facts – such as the Holocaust – whose negation or revision would be removed from the protection of Article 10 by Article 17'. (*Lehideux and Isorni v. France*, 23 September 1998, § 47, Reports of Judgments and Decisions 1998-VII). Revisionist or 'denialist' writing that challenges the historic truth of the Nazi crimes has been held to run 'counter to the fundamental values of the Convention and of democracy, namely justice and peace'. (*Garaudy v. France (dec.)*, no. 65831/01, ECHR 2003-IX; *Witzsch v. Germany (dec.)*, no. 4785/03, 13 December 2005). The Updated United Nations principles on impunity affirm that '[e]very people has the inalienable right to know the truth about past events concerning the perpetration of heinous

**Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments (continued)**

62. Article invoked

Explanation

crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes. Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations.' (E/CN.4/2005/102/Add.1, Principle 2).

Applicant submits that the interference with his rights under article 8(1) of the Convention is of such gravity and significance that it also should be assessed with respect to article 3 of the Convention.

The Applicant is in a position to submit medical evidence as proof of the psychological harm that the impugned acts have caused him.

Article 13

The Applicant has not been provided with an effective remedy before a national authority for the breach of his rights under articles 8 and 13, in violation of article 13 of the Convention. As explained in the section of this Application dealing with exhaustion, he has attempted to obtain redress in both civil and administrative courts. The Supreme Administrative Court has rejected his claims on the basis that memoranda of the GRRCL are not subject to the jurisdiction of administrative courts. The civil courts have ruled that his right to redress for denial of the Holocaust and of the historical truth are outside their jurisdiction. Applicant's requests for criminal investigations have been ignored by the authorities.

**G. Compliance with admissibility criteria laid down in Article 35 § 1 of the Convention**

For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the six-month time-limit.

63. Complaint

Information about remedies used and the date of the final decision

In June 2018, the Applicant requested GRRCL to review the First Noreika Memorandum. When GRRCL refused, the Applicant filed a complaint in the Vilnius regional administrative court. He requested that the court oblige GRRCL to review and change the first Noreika Memorandum on the basis that GRRCL (i) breached its statutory obligation to reveal the truth; (ii) breached the Law on Public Information through lack of objectivity and discrimination against him; and (iii) breached administrative law principles through lack of objectivity, inflicting moral damages, and misuse of authority. As a result, Applicant argued, the first Noreika Memorandum constituted Holocaust denial and damaged him as a relative of persons murdered in Noreika's district.

On 27 March 2019, the administrative court dismissed the complaint, reasoning that Applicant's complaint to GRRCL had simply been a request to provide information, which GRRCL had properly provided to Applicant (Administrative case No. eI-534-281/2019). Applicant appealed. On 1 April 2020 the Supreme Administrative Court affirmed on different grounds, reasoning that GRRCL's memoranda are not subject to the jurisdiction of administrative courts (Administrative case No. eA-1768-624-2020).

On 16 January 2020, Applicant filed a complaint to GRRCL asking that the second Noreika Memorandum be revoked. GRRCL dismissed the complaint. On 13 March 2020, Applicant again complained to the Vilnius regional administrative court, on the same grounds as his previous complaint concerning the first Noreika Memorandum. On 17 March 2020, the regional administrative court dismissed the complaint, concluding that the Second Noreika Memorandum did not impact Applicant's rights or responsibilities (Administrative case No. eI2-2846-535/2020). The Applicant appealed. On 6 May 2020, the Supreme Administrative Court affirmed the regional administrative court, reasoning again that the GRRCL's memoranda are outside the jurisdiction of administrative courts (Administrative case No. eAS-312-552/2020).

Applicant finally sought relief in Lithuanian civil court. On 6 May 2020, Applicant filed a claim in the Vilnius District Court alleging that GRRCL caused him psychological damage by publishing the first and second Noreika Memoranda in breach of the Lithuanian Law on Public Information and requesting the Court order GRRCL to revoke the memoranda. On 8 June 2020, the District Court refused to accept the claim, determining it was outside the jurisdiction of the civil court; Applicant's personal rights were not violated; and Applicant's requested remedy was unavailable in tort (Civil case No e2-21120-936/2020). Applicant appealed to the Vilnius Regional Court, alleging that he was damaged in fact and that the court had erred in failing to follow decisions by this Court holding that denial of the Holocaust – a clearly established historical fact – breaches the rights of the Jewish community and its members. On 16 June 2020 the Regional Court dismissed the claim as not justiciable, simply alleging Applicant failed to identify which of his rights were violated (Civil case No. e2S-1149-560-2020). Applicant sought cassation review before the Lithuanian Supreme Court. On 18 August 2020, the Supreme Court denied review (Refusal order No DOK-3977).

Applicant submitted applications to start criminal investigations against GRRCL on the basis of Holocaust denial to the General Prosecutor's office in August 2018, October 2018 and November 2019. Applicant requested the initiation of criminal investigations against GRRCL on the grounds that it had violated Art 170 (2) of the Lithuanian Criminal Code by denying the Holocaust. All applications were refused. On information and belief no such investigations have been conducted.

64. Is or was there an appeal or remedy available to you which you have not used?

Yes

No

65. If you answered Yes above, please state which appeal or remedy you have not used and explain why not

Empty text area for providing details of unused appeals or remedies.

**H. Information concerning other international proceedings (if any)**

66. Have you raised any of these complaints in another procedure of international investigation or settlement?

Yes

No

67. If you answered Yes above, please give a concise summary of the procedure (complaints submitted, name of the international body and date and nature of any decisions given)

Empty text area for providing a summary of other international proceedings.

68. Do you (the applicant) currently have, or have you previously had, any other applications before the Court?

Yes

No

69. If you answered Yes above, please write the relevant application number(s) in the box below

Empty text box for providing application numbers.

**I. List of accompanying documents**

You should enclose full and legible *copies* of all documents. No documents will be returned to you. It is thus in your interests to submit copies, not originals. You **MUST**:

- arrange the documents in order by date and by procedure;
- number the pages consecutively; and
- NOT staple, bind or tape the documents.

70. In the box below, please list the documents in chronological order with a concise description. Indicate the page number at which each document may be found

1.	GRRCL first memorandum on Jonas Noreika & translation	p.	1-12
2.	Administrative court claim for change of first Jonas Noreika memorandum	p.	13-24
3.	2019-03-27 Vilnius region administrative court decision case No el-534-281-2019 & translation	p.	25-38
4.	Appeal of 2019-03-27 Vilnius region administrative court decision	p.	39-44
5.	GRRCL second memorandum on Jonas Noreika & translation	p.	45-52
6.	Complaint for annulment of second Jonas Noreika memorandum & translation	p.	53-67
7.	Court claim for annulment of second Jonas Noreika memorandum	p.	68-77
8.	2020-03-17 Vilnius region administrative court order case No. eI2-2846-535-2020 & translation	p.	78-81
9.	2020-04-01 Supreme administrative court order case No. eA-1768-624-2020 & translation	p.	82-97
10.	2020-05-06 Supreme administrative court order case No. eAS-312-552-2020	p.	98-104
11.	Civil court claim for annulment of both memorandums & translation	p.	105-172
12.	2020-06-08 Vilnius district court order case No. e2-21120-936-2020 & translation	p.	173-178
13.	Appeal of 2020-06-08 Vilnius district court order	p.	179-182
14.	2020-07-16 Vilnius region court order case No.e2S-1149-560-2020	p.	183-186
15.	2020-08-07 Request for cassation review of 2020-06-08 & 2020-07-16 orders	p.	187-190
16.	2020-08-18 Lithuanian Supreme Court cassation refusal DOK-3977-2	p.	191-192
17.	Gochin family members Archive No. LCVA-f412-In12-b67-l225, LCVA f412-In13-b6-l863	p.	193-196
18.	Map of Jonas Noreika activity field	p.	197
19.	1941 07 25 J.Noreika order LAF Telsiai LCVA-f1075-a2-b6-l35	p.	198-200
20.	1941-08-06 J.Noreika order on Jewish property & 1941-08-16 addition LCVA-fr-1099-a1-b1-l113	p.	201-204
21.	LAF document "Dear enslaved brothers" LKP-f3377-55-50	p.	205-206
22.	LAF document "Call to Lithuanian nation" LKP-f3377-55-50	p.	207-210
23.	LAF document "Cancelation of hospitality to Jews" LCVA-f648-a2-b582	p.	211-214
24.	Karl Jäger Report	p.	215-225
25.	Plunge Tourist information centre booklet „On Pathways of Plunge’s Jews“	p.	226-283

## I. List of accompanying documents (continued)

No		Page
26	Newspaper Zemaiciu zeme 1941 July issue 5 page 4 "LAF manifestation"	284-285
27	1941-07-22 Telsiai municipality authorisation to police to transport Jewish property from Rainiai camp	286-287
28	Newspaper Zemaiciu zeme 1941 July issues 2 & 4 extracts – "Mein kampf"	288-291
29	Newspaper Zemaiciu zeme 1941 July-August issues – Articles abusing Jews	292-303
30	Newspaper Zemaiciu zeme 1941 July issue 5 extracts	304-305
31	Zenonas Blynas. War time diary 1941-1944, pages 91-95	306-315
32	1941-08-13 Provisional directives by Lohse, concerning the treatment of Jews	316-320
33	1941-08-09 J.Noreika order on resettlement of Jews LCVA-fR-1099-a1-b2-1137	321-322
34	1941-09-10 J.Noreika order on prompt liquidation of Jewish property LCVA-fR-1099-a1-b1-l 239	323-327
35	1941-08-22 J.Noreika order on resettlement of Jews to Zagare ghetto LCVA-fR-1099-a1-b1-1156	328-329
36	1941-10-23 J.Noreika appoints new owner of Jew's Shneider farm LCVA FR-1099-a1-b2- 11530	330-331
37	1941-10 J.Noreika requests transfer of Jewish windmill LCVA FR-1099-a1- b2- 1544	332-333
38	J.Noreika use of Jew labour LCVA-fR-1099-a1-b2- 1338; fR-1099-a1-b2-1504; fR-1099-a1-b2-1294	334-341
39	1941-10-31 J.Noreika transfers Jews to Siauliai ghetto LCVA-fR-1099-a1-b2-11159-1160	342-345
40	1941-08 J.Noreika enquiry on doctors in district LCVA-fR-1099-a1-b1-1141	346-347
41	1941-08 J.Noreika enquiry on vet doctors in district LCVA-fR-1099-a1-b1-1144	348-349
42	1946-09-21 Interrogation protocol of Zagare burmister S.Rakstys	350-357
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**Any other comments**

Do you have any other comments about your application?

71. Comments


**Declaration and signature**

I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

72. Date



1	1	0	2	2	0	2	1
D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2015

The applicant(s) or the applicant's representative(s) must sign in the box below.

73. Signature(s)  Applicant(s)  Representative(s) - tick as appropriate

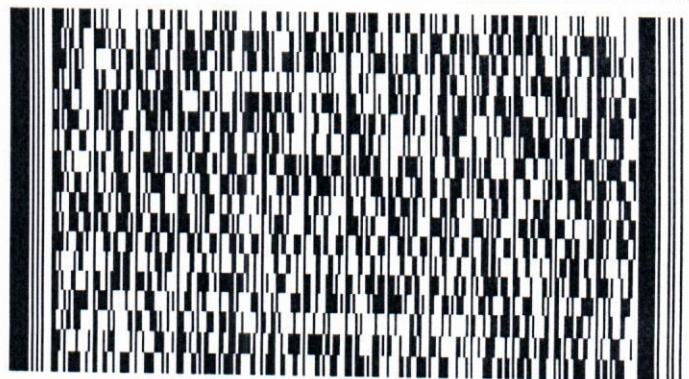
Rokas Rudzinskas



**Confirmation of correspondent**If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond. Where the applicant is represented, the Court will correspond only with the representative (lawyer or non-lawyer).74. Name and address of  Applicant  Representative - tick as appropriate

Rokas Rudzinskas  
 A. Mickevičiaus str. 14 - 2, Vilnius, LT-08119, Republic of Lithuania  
 rokas@rlaw.lt

**The completed application form should be signed and sent by post to:**

The Registrar  
 European Court of Human Rights  
 Council of Europe  
 67075 STRASBOURG CEDEX  
 FRANCE



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## I. ADDITIONAL SUBMISSIONS PURSUANT TO RULE 47(2)(B)

### 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.<sup>1</sup> He lost dozens of relatives in the Holocaust.<sup>2</sup> 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.<sup>3</sup>
2. Several of Applicant's relatives were killed in the Žagarė ghetto in October 1941.<sup>4</sup> Noreika had ordered the ghetto established; the ghetto was in Šiauliai district and Noreika exercised authority over it.<sup>5</sup>
3. It is well known that "the glorification of war criminals... directly hurts and provokes those who suffered the consequences of the war."<sup>6</sup> 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.<sup>7</sup>
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.<sup>8</sup>

### 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.
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

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<sup>1</sup>Annex 6, Complaint to GRRCL submitted on 16<sup>th</sup> of January 2020, p.7.

<sup>2</sup> See Annex 17

<sup>3</sup>*Id.*

<sup>4</sup>See para. 36.

<sup>5</sup>See para. 37.

<sup>6</sup> 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/>.

<sup>7</sup>Annex 6, Complaint to GRRCL submitted on 16<sup>th</sup> of January 2020, p.7.

<sup>8</sup>*Id.*

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;<sup>9</sup>
  - Head of the LAF office in Telšiai by 24 July 1941;<sup>10</sup> and
  - Head of the Šiauliai district beginning in early August 1941.<sup>11</sup>
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.<sup>12</sup>
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.<sup>13</sup> It met in Berlin.<sup>14</sup>
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 alien race”, meaning Jews.<sup>15</sup> 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”,<sup>16</sup> and called on local Lithuanians to support a forthcoming Nazi invasion through “local uprisings” and “inform Jews, that their destiny is

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<sup>9</sup>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>.

<sup>10</sup>E.g. Annex 19, Noreika Order 24 July 1941; see Annex 1 (First Noreika Memorandum), p.1.

<sup>11</sup>E.g. Annex 20, Noreika Order 6 August 1941, see Annex 1 (First Noreika Memorandum), p.2.

<sup>12</sup>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](https://digitalcommons.nyls.edu/journal_of_international_and_comparative_law/vol12/iss1/3).

<sup>13</sup>E.g. *id.*

<sup>14</sup>Annex 21, LAF document “Dear enslaved brothers”

<sup>15</sup>Annex 22, LAF document “Call to Lithuanian nation”

<sup>16</sup>Annex 23, LAF document “Cancellation of hospitality to Jews”.

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...”<sup>17</sup>

13. In the early hours of 22 June 1941, Nazi forces invaded Lithuania. Within a few months, approximately 80% of Lithuania’s Jews had been murdered. Almost all the remaining Jews were murdered between 1942 and 1945.<sup>18</sup>
14. The case at Nuremberg against leaders of the Nazis’ Einsatzgruppen – which led the implementation of the “Holocaust by bullets” in Lithuania and elsewhere – provides valuable context. The court found the Einsatzgruppen 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<sup>19</sup> 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.<sup>20</sup>
15. Einsatzgruppe A was responsible for Lithuania.<sup>21</sup> It was commanded by SS *brigadeführer* Franz Stahlecker.<sup>22</sup> Einsatzkommando 2, a sub-unit of Einsatzgruppe A, was initially responsible for the Šiauliai region. It was replaced in October by Einsatzkommando 3.<sup>23</sup> By mid-July, a unit of Einsatzkommando 2 was based in Šiauliai.<sup>24</sup> By October, more than 40,000 Jews had been killed in the Šiauliai region (*apygarda*),<sup>25</sup> which included Šiauliai and Telšiai districts, among others.<sup>26</sup> By 1 December, Einsatzkommando 3 was able to report, “the goal of solving the Jewish problem for Lithuania has been achieved by Einsatzkommando 3. In Lithuania, there are no more Jews, other than the Work Jews, including their families.”<sup>27</sup>
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

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<sup>17</sup>Annex 21.

<sup>18</sup> 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](https://www.yadvashem.org/untoldstories/Documents/studies/The_Final_Solution.pdf).

<sup>19</sup>*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.

<sup>20</sup>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”).

<sup>21</sup>*Ohlendorf*, p.414.

<sup>22</sup>*Id.*

<sup>23</sup>Annex 24, Jäger Report, p.2, available at <https://mchekc.org/wp-content/uploads/2019/10/jager-report.pdf?x63307>.

<sup>24</sup> 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](https://www.yadvashem.org/untoldstories/Documents/studies/The_Final_Solution.pdf).

<sup>25</sup>See Annex 24, Nuremberg Ex. L-180.

<sup>26</sup>See Annex 18.

<sup>27</sup>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.

the Bolshevik and Jewish enemy quite on their own...<sup>28</sup> The court noted Einsatzgruppe A had “work[ed] up special squads [of local men] to carry about pogroms in Lithuania and Latvia.”<sup>29</sup>

### IIIA. Crimes against the Jews of Plungė

17. Plungė is in western Lithuania.<sup>30</sup> Noreika served as commandant there shortly after the German invasion and soon became head of the LAF office, located in the same building.<sup>31</sup>
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.<sup>32</sup> 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.<sup>33</sup>
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.<sup>34</sup>
20. Small groups of Jews were murdered near Plungė town in the days immediately following the mass execution.<sup>35</sup>

### IIIB. Crimes against the Jews of Telšiai

21. In 1940, 2,800 Jews lived in Telšiai – approximately 48% of its population.<sup>36</sup>
22. Noreika served as the LAF leader in Telšiai after the massacre in Plungė.<sup>37</sup> In the second half of July 1941, many Jews were massacred in Telšiai district:

<sup>28</sup> *Ohlendorf*, pp.435-436, citing Annex 24, Exh.L-180.

<sup>29</sup> *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”).

<sup>30</sup> See Annex 18

<sup>31</sup> 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>.

<sup>32</sup> 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/](http://www.holocaustatlas.lt/EN/#a_atlas/search//page/1/item/186/).

<sup>33</sup> Annex XX, 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.

<sup>34</sup> See Annex 25.

<sup>35</sup> 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/](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/](http://www.holocaustatlas.lt/EN/#a_atlas/search//page/1/item/232/).

<sup>36</sup> YadVashem, Telšiai, available at <https://www.yadvashem.org/untoldstories/database/index.asp?cid=555>.

- a. On about 15-16 July, a few hundred Jews from Telšiai district were murdered by the Einsatzkommando 2 unit based in Šiauliai;<sup>38</sup>
  - b. Between 15-21 July, at least 800 Jews from Telšiai were murdered at the Rainiai manor;<sup>39</sup>
  - c. On around 17-18 July, at least 200 Jews in Telšiai district were murdered in the Viešvėnai camp.<sup>40</sup>
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. It repeatedly emphasized alliance with Nazi Germany and published anti-Jewish propaganda; among others, it published extracts from *Mein Kampf*<sup>41</sup> 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,”<sup>42</sup> called for boycotting Jewish doctors, to whom it concluded “we should say fare well for all time”, and blamed Jews for inventing communism.<sup>43</sup>
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...

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.<sup>44</sup>

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<sup>37</sup>Annex 19, Noreika Order 24 July 1941; see Annex 1 (First Noreika Memorandum), p.1; see Annex 26 *Žemaiciu Žemė* No 5, p 4.

<sup>38</sup>Yad Vashem, 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/](http://www.holocaustatlas.lt/EN/#a_atlas/search//page/1/item/241/).

<sup>39</sup>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/](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.

<sup>40</sup>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/](http://www.holocaustatlas.lt/EN/#a_atlas/search//page/1/item/142/).

<sup>41</sup>Annex 28

<sup>42</sup>Annex 29, Issue 2.

<sup>43</sup>Annex 29, Issue 3.

<sup>44</sup>Annex 29, Issue 3.

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.<sup>45</sup> 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.<sup>46</sup>

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.<sup>47</sup>

27. After the massacres of the Jews of Telšiai, and after Noreika had moved on to Šiauliai, *Žemaičiu 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.<sup>48</sup>

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.<sup>49</sup> Echoing some 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.<sup>50</sup>

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<sup>45</sup> Noreika was one of the celebration's organizers. Annex 1 (First Noreika Memorandum), p.1.

<sup>46</sup> Annex 26

<sup>47</sup> Annex 30.

<sup>48</sup> Annex 29, Issue 9.

<sup>49</sup> Annex 31, Zenonas Blynas. Karo metų dienoraštis, 1941-1944 m., Vilnius, Lithuanian History Institute 2007, entry 31 July 1941; Annex 30.

<sup>50</sup> Annex 31, Zenonas Blynas. Karo metų dienoraštis, 1941-1944 m., Vilnius, Lithuanian History Institute 2007, entry 31 July 1941.

### III.C. 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*).<sup>51</sup> 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.<sup>52</sup>
30. On 13 August 1941, Heinrich Lohse, Nazi Reichskommissar 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].”<sup>53</sup>
31. In areas where “further measures for the final solution are not possible”, Reichskommissar 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.<sup>54</sup> 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.”<sup>55</sup>
32. Lohse's order was implemented by Šiauliai district commissioner Hans Gewecke the next day.<sup>56</sup>
33. Noreika personally ordered the implementation of some of these measures. For instance, he:
  - a. Signed an order for the transfer of Jews into Grudziai, concentrating them.<sup>57</sup> Dozens were murdered shortly thereafter;<sup>58</sup>
  - b. Ordered the cataloguing,<sup>59</sup> seizure<sup>60</sup> and liquidation<sup>61</sup> of Jewish property;
  - c. Ordered the transfer of the Jews in the district to the Žagarė ghetto, where thousands were eventually murdered;<sup>62</sup>
  - d. Was involved in the disposition of particular Jewish property and the use of Jews for forced labour;<sup>63</sup>

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<sup>51</sup>See Annex 18 (Map).

<sup>52</sup>E.g. Annex 1 (First Noreika Memorandum), p.2.

<sup>53</sup>Annex 32, Provisional Directives by Lohse, *Reichskommissar for Ostland*, Concerning the Treatment of Jews, August 13, 1941, available at [https://www.yadvashem.org/odot\\_pdf/Microsoft%20Word%20-%2004037.pdf](https://www.yadvashem.org/odot_pdf/Microsoft%20Word%20-%2004037.pdf).

<sup>54</sup>*Id.*

<sup>55</sup>U.S. Holocaust Memorial Museum, Holocaust Encyclopedia, Ghettos, available at <https://encyclopedia.ushmm.org/content/en/article/ghettos>.

<sup>56</sup>Annex 1 (First Noreika Memorandum), p.3.

<sup>57</sup>Annex 33.

<sup>58</sup>See para.35.

<sup>59</sup>Annex 20.

<sup>60</sup>Annex 20.

<sup>61</sup>Annex 34.

<sup>62</sup>Annex 35.

- e. Ordered other Jews ghettoized in late October 1941.<sup>64</sup>
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.<sup>65</sup>
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.<sup>66</sup> Noreika had ordered the establishment of the ghetto;<sup>67</sup> appointed a new mayor of Žagarė (*burmister*);<sup>68</sup> and issued an order on the disposition of Jewish property;<sup>69</sup>
  - b. The murder of several dozen Jews in the Žagarė Jewish cemetery in late August 1941;<sup>70</sup>
  - c. The murder of about 400 Jews from Pakruojis on about 5 August 1941, as Noreika was assuming authority;<sup>71</sup>
  - d. The murder of about 160 Jews from Žeimelis on about 8 August 1941,<sup>72</sup> a massacre Noreika was directly notified of by the Žeimelis Parish Chief;<sup>73</sup>
  - e. The murder of about 46 male Jews from Gruzdžiai in late August 1941,<sup>74</sup> after Noreika had signed an order to transfer Jews to Gruzdžiai earlier in the month;<sup>75</sup>
  - f. The murder of about 72 Jews from Šiauliai in the Ilgoji Lova forest in December 1941.<sup>76</sup>

<sup>63</sup> 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.

<sup>64</sup> Annex 39.

<sup>65</sup> 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").

<sup>66</sup> 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/](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.

<sup>67</sup> Annex 35.

<sup>68</sup> See Annex 42.

<sup>69</sup> See Annex 34.

<sup>70</sup> Holocaust Atlas of Lithuania, Mass Murder of Jews in the Žagarė Jewish Cemetery, available at [http://www.holocaustatlas.lt/EN/#a\\_atlas/search//page/1/item/107/](http://www.holocaustatlas.lt/EN/#a_atlas/search//page/1/item/107/).

<sup>71</sup> 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/](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/).

<sup>72</sup> 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/](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/).

<sup>73</sup> Annex 43.

<sup>74</sup> 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/](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/).

<sup>75</sup> Annex 33.

<sup>76</sup> Holocaust Atlas of Lithuania, Mass Murder of Šiauliai Jews in the Ilgoji Lova 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/](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/).

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.<sup>77</sup>
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.<sup>78</sup>
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.<sup>79</sup>

#### 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.<sup>80</sup> His intent for those crimes is expressed in the mass crimes themselves.
42. It is also expressed in his pre-war writing of the anti-Semitic "Raise your head, Lithuanian."<sup>81</sup> 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!"<sup>82</sup>
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,<sup>83</sup> and reportedly ordered the massacre of the Jews held in the Plungė synagogue.<sup>84</sup> As the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania

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<sup>77</sup>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](https://yvng.yadvashem.org/index.html?language=en&advancedSearch=true&sfn_value=Jacob&sfn_type=synonyms&sln_value=Hochin&sln_type=synonyms).

<sup>78</sup>Annex 42; See Annex 44.

<sup>79</sup>Annex 24, Jäger report, p.7.

<sup>80</sup>See paras.18-20, 22, 35.

<sup>81</sup>Annex 45, available at <https://silviafoticom.files.wordpress.com/2018/07/pakelk-galva-lietuvi.pdf>.

<sup>82</sup>Annex 45.

<sup>83</sup>See para.33.

<sup>84</sup>See para.18.

has asked of his ghettoization orders, “If this is not participation in the genocide of Lithuania’s Jewish citizens, what is?”<sup>85</sup>

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<sup>86</sup>; living across the street he was certainly aware of the Plungė massacre;<sup>87</sup> and he was directly informed of the Žeimelis massacre,<sup>88</sup> 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.<sup>89</sup> 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.
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.<sup>90</sup> 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.<sup>91</sup> Von Schirach’s conviction noted he had received

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<sup>85</sup>Annex 46, p.2., available at <https://www.komisija.lt/wp-content/uploads/2019/04/Statement-J.-Noreika-04-11.pdf>

<sup>86</sup>Annex 43; Annex 44.

<sup>87</sup> See paras.18-19.

<sup>88</sup>See para.35.

<sup>89</sup>Annex 1 (First Noreika Memorandum), p.4.

<sup>90</sup> IMT, judgment of 1 October 1946, in *The Trial of German Major War Criminals. Proceedings of the International Military Tribunal sitting at Nuremberg, Germany*, Volume 22 (22nd August, 1946 to 1st October, 1946), pp.496-497.

<sup>91</sup>*Id.*, p.500.

reports of the extermination of Jews and participated in deporting Jews to ghettos.<sup>92</sup> 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.<sup>93</sup>

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.<sup>94</sup> This Court should affirm clearly established historical facts and recognize the harm such distortions have inflicted on the Applicant.

Rokas Dudzinskas



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<sup>92</sup>*Id.*, p.513.

<sup>93</sup>*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.

<sup>94</sup> 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/>.