

DEFENSE MEMORANDUM

FOR COUNSEL OF RECORD

Privileged and confidential. For the consideration of trial counsel only.

To: Adomas Liutvinskas, Esq., SPES law firm, Kalvarijų g. 28-8, Vilnius

From: Grant Arthur Gochin, interested party

Re: Criminal Case No. 02-2-00512-24, **Lithuania v. Artur Fridman**, pre-trial materials review and defense recommendations

Date: April 25, 2026

Subject and standing

This memorandum is submitted to counsel of record for consideration in the defense of Mr. Artur Fridman in Criminal Case No. 02-2-00512-24.¹ I am not a lawyer. I am not licensed to practice law in Lithuania or in any other jurisdiction. I do not hold the brief, and any tactical decision in

¹Vilnius Regional Prosecutor's Office, Vilnius District Prosecutor's Office, First Division, Indictment, Criminal Case No. 02-2-00512-24, filed October 30, 2025, Prosecutor Kristina Minko presiding. Defense counsel of record: Adomas Liutvinskas, SPES law firm, Kalvarijų g. 28-8, Vilnius. Pre-trial measure: written pledge not to leave the country, imposed January 8, 2025.

the matter belongs to you. The recommendations that follow are submitted for your adoption, modification, or rejection as Lithuanian criminal procedure permits.

I have never met Mr. Fridman in person. I have never spoken to him by voice. We have communicated only by text message. I write here as an interested party who has documented the institutional pattern within which the present prosecution sits, not as anyone speaking for the defendant. The defendant's instructions, of course, govern in every respect.

My standing to comment on the institutional pattern is limited to the public record of approximately thirty formal challenges — civil suits, administrative actions, prosecutorial complaints under the same statutes invoked here, ombudsman submissions, applications to the European Court of Human Rights and the United Nations Human Rights Committee, and formal correspondence to members of the Lithuanian government — filed by me against Lithuanian institutions since May 2015 for institutional Holocaust falsification.² Three of those challenges, against the Genocide and Resistance Research Centre of Lithuania (LGGRTC) under the very Article 170-2 §1 now invoked against your client, were refused by the same Vilnius prosecutorial structure that today prosecutes him. Those refusals are evidentiary fact in the present matter and are developed in Section IV below.

This memorandum is structured to mirror what I understand to be the principal pre-trial decisions before counsel: motions in limine, evidentiary motions, particularization demands, disclosure requests, statutory and constitutional challenges, an Article 7 / Article 10 / Article 14 framework,

²Grant Arthur Gochin, [Summary of Legal Actions Against Lithuanian Institutions, May 2015–June 2020](#), with subsequent additions including the 2021 application to the European Court of Human Rights and the 2022 application to the United Nations Human Rights Committee.

and recommended subpoena targets. Each section closes with the specific motion or relief I respectfully invite counsel to consider.

I. Procedural posture and operative theory

The defendant is charged on two counts under the Lithuanian Criminal Code:³

Count I — Article 170-2 §1: public approval, denial, or gross belittling of aggression committed against the Republic of Lithuania or its inhabitants by the Soviet Union, or of international crimes recognized by Lithuanian or European Union legal acts or by decisions of Lithuanian or international courts, where the speech is committed in a manner that is threatening, insulting, or offensive, or that disturbs, actually or potentially, public order.

Count II — Article 313 §2: public dissemination of false statements about a deceased person, capable of arousing contempt for that person or of undermining respect for that person’s memory.

Indictment was filed on October 30, 2025. Pre-trial measure (written pledge not to leave) was imposed on January 8, 2025. The case file runs to two hundred and twenty pages. The actus reus alleged for both counts is a single Facebook post published in Russian on May 9, 2024, while the defendant was at Antakalnis Cemetery to honor his grandfather Aron Fridman, a Jewish soldier who fought against Nazi Germany in the Red Army.

The post itself is in the case file. Read in plain meaning, it (i) congratulates Victory Day; (ii) thanks those who fought “*fašistų atmatomis ir miško banditais*” (“fascist scum and forest bandits”); (iii)

³Lithuanian Criminal Code, Articles 170-2 §1 and 313 §2. English text via [the ILO NATLEX database](#).

states that enemies of the people have tried to rewrite history and turn bandits into heroes; (iv) states that many Lithuanians fought in the Red Army and did not hide in the forests, did not rob their own people, did not murder their own, and did not participate in the Jewish genocide; (v) states that those who heroize Adolfas Vanagas do not know that this American-born pseudohero collaborated with the KGB and betrayed his “*golovorezy*” (a Russian word the prosecution’s file itself acknowledges admits of competing translations); (vi) refers to a Lithuanian television fragment the defendant claims to have saved and to intend to publish in the comments; and (vii) honors Aron Fridman.

There is no alleged threat. There is no alleged incitement to violence. There is no alleged call to discriminate. There is no alleged riot or public-order incident. The complainant, Algirdas Ramanauskas, did not see the post in the ordinary course; the indictment records that he was directed to it by a third party. The seventeen-month investigative timeline reflects construction of a record, not response to an emergent harm. These facts are conceded by the prosecution’s own filings and frame every motion that follows.

II. Motions in limine: particularization of statutory elements

II(a). Article 170-2 §1 — element-by-element particularization

Article 170-2 §1 has elements. The prosecution must plead and prove each. I respectfully submit that counsel move the court, before opening, to compel the prosecution to identify in writing and on the record:

(1) the precise words of the post said to constitute **public approval** of a Soviet crime, and the specific Soviet crime so approved;

(2) the precise words said to constitute **public denial** of a Soviet crime, and the specific crime denied;

(3) the precise words said to constitute **public gross belittling** of a Soviet crime, the specific crime belittled, and the standard against which the belittling is measured;

(4) the specific factual basis on which the prosecution alleges the speech was **threatening, insulting, or offensive within the statutory meaning, or actually or potentially disturbed public order**, separate from any allegation that the speech offended a complainant or contradicted state historical doctrine; and

(5) the specific factual basis for the alleged **direct intent** to approve, deny, or grossly belittle a Soviet crime, separate from the prosecution's ideological characterization of the post.

Without particularization on each of the five elements, the indictment treats Article 170-2 §1 as a general ban on unpatriotic or pro-Russian-coded speech, which the statute is not. The post praises a Jewish anti-Nazi grandfather, criticizes a state-elevated partisan figure, and references a domestic broadcast. Silence on Soviet crimes is not approval; it is silence. Criticism of partisans is not approval of Soviet crimes; it is criticism. The prosecution must reach an actus reus before the court can consider a verdict.

II(b). Article 313 §2 — falsity particularization

Article 313 §2 requires falsity. I respectfully submit that counsel move the court to compel the prosecution to identify each statement in the post said to be false, and the documentary basis on which the prosecution asserts falsity, with respect to each of the following:

- (1) “American-born” — a verifiable historical fact (Ramanauskas-Vanagas was born in the United States) and not contestable;
- (2) “pseudohero” — a value judgment, not a falsifiable factual assertion under European Court of Human Rights jurisprudence on Article 10 and on the limits of defamation in political speech;
- (3) “collaborated with the KGB” — a claim **partially corroborated by the prosecution’s own case file**, specifically by LGGRTC letter No. 13R-645 (September 2, 2025) which acknowledges that Ramanauskas-Vanagas was the subject of a Soviet security services recruitment contact in January 1945 under the codename “Džūkija”;⁴
- (4) “golovorezy” / “cutthroats” — a Russian-language epithet whose translation is itself acknowledged as contested in the prosecution’s expert materials; translation uncertainty must cut against criminal certainty;
- (5) the broader implication that some Lithuanian partisans robbed, murdered, or participated in the genocide of Jews — a historically documented proposition addressed in Section III below.

II(c). Mens rea — direct intent

Both counts require direct intent. The prosecution’s evidence on intent appears to consist of expert linguistic analysis converting the political content of the post into criminal motive. That is methodologically defective and is addressed at Section V below. Counsel may consider moving to compel the prosecution to identify, with respect to the alleged direct intent, the specific evidentiary

⁴LGGRTC letter No. 13R-645, September 2, 2025, cited in the prosecution case file in Criminal Case No. 02-2-00512-24, acknowledging the recruitment of Adolfas Ramanauskas-Vanagas by Soviet security services in January 1945 under the codename “Džūkija.” Archival references: LYA f. K-41, ap. 1, b. 205, l. 19. Personal file No. 3957, archival No. 21797.

foundation that distinguishes (a) intent to honor a Jewish anti-Nazi veteran, (b) intent to mark May 9 as a date of family memory, and (c) intent to criticize Lithuanian state historical doctrine, from (d) the statutorily required direct intent to approve, deny, or grossly belittle a Soviet crime, or to defame a deceased person.

III. Evidentiary motions and exculpatory submissions

III(a). The Džūkija file — prosecution self-corroboration

The single most significant evidentiary fact in the prosecution’s case file is LGGRTC letter No. 13R-645, which acknowledges the January 1945 Soviet recruitment contact under the codename “Džūkija.”⁵ Counsel may consider:

- (1) moving the court to admit LGGRTC letter No. 13R-645 in unredacted form;
- (2) moving the court to admit the underlying Lithuanian Special Archives materials referenced in the letter (LYA f. K-41, ap. 1, b. 205, l. 19; Personal file No. 3957; archival No. 21797);
- (3) cross-examining the prosecution’s expert witnesses on the inconsistency of charging Article 313 §2 falsity for a claim that the prosecution’s own file partially corroborates;
- (4) requesting that the court take the file as a controlling fact when assessing whether the defendant’s claim was “fabricated” within the meaning of Article 313 §2.

⁵

The defense need not prove the recruitment was successful, sustained, or operationally consummated. The defense need only establish that the defendant's claim was not fabricated from nothing. The state's own document supplies the foothold.

III(b). The Masilionis book and the lrytas.tv broadcast

The defense has submitted on USB an excerpt from Povilas Masilionis, *Partizanų teroro aukų atminimo knyga* (Book of Remembrance of Victims of Partisan Terror),⁶ together with a broadcast from lrytas.tv.⁷ The book is a published Lithuanian-language work documenting civilian victims of partisan violence. The broadcast is mainstream Lithuanian national broadcast media in which the historical material on which the defendant relied was publicly aired.

Counsel may consider moving the court formally to admit both submissions as exculpatory evidence going to:

- (1) the truth defense to Article 313 §2 (the underlying historical proposition is not falsifiable, having been published in Lithuanian-authored Lithuanian-language historical literature);
- (2) the good-faith reliance defense to Article 170-2 §1 (the defendant relied on Lithuanian-broadcast and Lithuanian-published sources, not on Russian state propaganda); and

⁶Povilas Masilionis, *Partizanų teroro aukų atminimo knyga* (Book of Remembrance of Victims of Partisan Terror), Lithuanian-language publication, excerpt submitted by the defense as exculpatory material in Case No. 02-2-00512-24.

⁷lrytas.tv broadcast, submitted by the defense on USB as exculpatory material in Case No. 02-2-00512-24.

(3) the foreseeability defense under Article 7 of the European Convention (no ordinary speaker could foresee criminal liability for repeating, in social media form, claims that Lithuania’s own national broadcaster has aired and that Lithuanian-published literature already records).

III(c). The Koniuchowsky Archive — subpoena and admissibility

The most significant body of primary-source evidence going to the truth defense on the Article 313 §2 broader-implication count is the Koniuchowsky Archive: 121 signed survivor testimonies, 569 pages, recorded by Leyb Koniuchowsky in displaced persons’ camps from 1946 to 1948, documenting in detail the participation of Lithuanian partisans, police battalions, and “white armband” units in the murder of Jews across Lithuania.⁸

The originals are held by Yad Vashem in Jerusalem. Certified translations are held by YIVO Institute for Jewish Research in New York. The published English-language compiled edition, *The Lithuanian Slaughter of its Jews: The Testimonies of 121 Jewish Survivors of the Holocaust in Lithuania, Recorded by Leyb Koniuchowsky in Displaced Persons’ Camps (1946–48)* (compiled by David Solly Sandler, translated by Jonathan Boyarin, February 2020), is available [through Amazon](#) and through standard library channels.

I respectfully invite counsel to consider:

⁸Leyb Koniuchowsky, *The Lithuanian Slaughter of its Jews: The Testimonies of 121 Jewish Survivors of the Holocaust in Lithuania, Recorded by Leyb Koniuchowsky in Displaced Persons’ Camps (1946–48)*, compiled by David Solly Sandler, translated by Jonathan Boyarin, February 2020, 569 pages. Originals are held by Yad Vashem, Jerusalem; certified translations are held by YIVO Institute for Jewish Research, New York. Available in published English-language form at [Amazon](#).

- (1) **submitting the published English-language compiled volume to the court** — this is the most direct and least burdensome route to admission; the volume is published, its provenance is documented in the front matter, and its contents are subject to ordinary evidentiary scrutiny;
- (2) in the alternative or in addition, **issuing letters rogatory or international judicial-cooperation requests** to Yad Vashem for certified copies of the original Koniuchowsky testimonies and to YIVO Institute in New York for certified translations of the same;
- (3) **retaining a Holocaust-history expert witness** qualified to lay foundation for the testimonies, address the methodological reliability of Koniuchowsky’s 1946–48 collection methodology, and respond to any prosecution effort to attack the archive’s admissibility under Lithuanian rules of evidence.

The Koniuchowsky Archive is dispositive on the broader-implication count. The testimonies document Lithuanian partisan and “white armband” unit murder of Jews in town after Lithuanian town — including, in the Telzh, Kvedarna, Eishishok, Vorne, and Luknik testimonies, partisan rape, torture, and murder of Jews and the postwar murder of Lithuanian rescuers of Jews. Specifically pertinent to Count II of the indictment is the documented June 13, 1946 Merkys Brigade massacre, in which seventy persons were “sentenced” and murdered by the partisan unit **personally commanded by Adolfas Ramanauskas-Vanagas**; among the murdered was Teofilis Žarnauskas, who had cooperated with Vladas Levulis in rescuing the Fridkovsky family of Jews.⁹

⁹Documented Merkys Brigade massacre of June 13, 1946: seventy persons “sentenced” and murdered by the partisan unit personally commanded by Adolfas Ramanauskas-Vanagas. The murdered included Teofilis Žarnauskas, who had cooperated with Vladas Levulis in rescuing the Fridkovsky family of Jews. Source: Evaldas Balčiūnas, *Defending History; Ir be ginklo kariai* (Soldiers Without Weapons); Yad Vashem records.

If the prosecution maintains that the defendant's post falsely implied that some Lithuanian partisans murdered Jews, the prosecution must reckon with documentary evidence that the very partisan whose memory it is prosecuting in defense of personally commanded a postwar massacre that included the murder of a Lithuanian rescuer of Jews.

III(d). Subpoena targets — LGGRTC institutional files

The prosecution invokes LGGRTC historical conclusions as factual standards. Counsel may consider moving the court for subpoenas to the LGGRTC for the complete institutional files on each of the figures whose state-elevated status the prosecution's historical theory presupposes. I respectfully submit the following list for counsel's consideration:

(1) **Adolfas Ramanauskas-Vanagas** — commander of the Merkys Brigade; subject of LGGRTC letter No. 13R-645 (the Džūkija file); placed in Druskininkai in June–July 1941 by Lithuanian official biography and by Balčiūnas's archival research.¹⁰

(2) **Antanas Baltušis-Žvejys** — leader of concentration camp guards at Majdanek; recipient of the Lithuanian Battle Cross of Freedom; promoted posthumously to the rank of Colonel by presidential decree; street in Kaunas named after him.

(3) **Juozas Barzda** — commander of a unit that oversaw the mass murder of tens of thousands of persons in Lithuania and Belarus.

¹⁰Evaldas Balčiūnas, "Footprints of Adolfas Ramanauskas-Vanagas in the Mass Murder of the Jews of Druskininkai," *Defending History*, March 27, 2014. See also Arūnas Bubnys, "Holokaustas Kėdainiuose," Kėdainiai Regional Museum, kedainiumuziejus.lt — published by the current LGGRTC Director General, documenting the Lithuanian "baltaraiščiai" unit pattern in summer 1941.

(4) **Juozas Ambrazevičius-Brazaitis** — Interim Prime Minister of the 1941 Lithuanian Provisional Government; signatory of orders establishing the first concentration camp; remains repatriated and reburied with full state honors in 2012; bas-relief and lecture hall at Vytautas Magnus University; street in Kaunas named after him.

(5) **Dominykas Jėčys-Ažuolis** — partisan commander whose unit murdered Jews in Alytus.

(6) **Juozas Krikštaponis** — commander of a unit in the Impulevičius battalion that murdered tens of thousands of Jews, including relatives of Shimon Peres; memorial in Ukmergė; promoted posthumously to Colonel by presidential decree of October 31, 2002.

(7) **Liuberskis** — chairman of the commission that selected Šiauliai Jews for murder in the Gubernija forest and at Bubiai.

(8) **Jonas Noreika** — commander of Northwest Lithuania, signatory of the August 22, 1941 Šiauliai district ghetto-establishment order; the LGGRTC has issued multiple memoranda on Noreika including the October 25, 2015 declaration that his Holocaust participation was “unproven,” the March 27, 2019 maintenance of his exoneration, and the December 17, 2019 Stancikas memorandum reclassifying him as a rescuer of Jews; the third position was publicly repudiated by the Dean of Vilnius University’s History Faculty and by the head of the Lithuanian History Institute; recipient of the Cross of Vytis (1997); plaques on the Wroblewski Library of the Lithuanian Academy of Sciences in Vilnius and in Šiauliai.

(9) **Bronius Norkus** — responsible for murders at the 7th Fort; grave designated a national cultural monument.

(10) **Izidorius Pucevičius** — leader of unit that committed murders in Šeduva, including relatives of President Herzog and Prime Minister Netanyahu; subsequently rewritten by the LGGRTC as a “rescuer of Jews.”

(11) **Jonas Semaška-Liepa** — chief of the 7th and 13th Lithuanian Auxiliary Police Battalions; both extensively involved in the Holocaust; battalion responsible for the murder of the Jews of Vinita, Ukraine; subsequently rewritten by the LGGRTC as a “rescuer.”

(12) **Juozas Šibaila** — responsible for arrests in Balnininkai and murders in Valu forest.

(13) **Kazys Škirpa** — ideological architect of the elimination of Jews from Lithuania; remains repatriated with national honors; plaque mounted June 21, 2024; June 23rd Street, Vilnius.

(14) **Antanas Slučka** — commander of guards in Žemelis where Jews were murdered.

(15) **Every member of the wartime Provisional Government cabinet**, including Vytautas Landsbergis senior (the father of the future Head of State Vytautas Landsbergis and great-grandfather of former Foreign Minister Gabrielius Landsbergis).

The prosecution cannot rely on LGGRTC outputs as factual predicates while withholding the underlying institutional files on the figures those outputs concern. The state must either produce the files for adversarial examination or withdraw reliance on them. That is the constitutional and conventional minimum.

III(e). Prior court rulings on LGGRTC outputs as informational acts

In the proceedings I filed against the Lithuanian state, Lithuanian courts uniformly held that LGGRTC outputs are “informational acts” not subject to administrative review.¹¹ Specifically:

- Vilnius County Administrative Court, March 27, 2019 (Case No. eI-534-281/2019);
- Supreme Administrative Court of Lithuania, April 1, 2020 (Case No. eA-1768-624/2020);
- Vilnius District Administrative Court, March 17, 2020 (Case No. eI2-2846-535/2020);
- Supreme Administrative Court of Lithuania, May 6, 2020 (Case No. eAS-312-552/2020);
- Vilnius City District Court, June 8, 2020 (Case No. e2-21120-936/2020);
- Vilnius District Court, July 16, 2020 (appeal dismissed);
- Lithuanian Supreme Court (civil chamber), August 18, 2020 (cassation review denied).

Counsel may consider moving the court to take judicial notice of the body of these holdings, and to bar the prosecution from relying on LGGRTC outputs as adjudicated factual standards in this proceeding. The state cannot have it both ways: if LGGRTC outputs are informational and nonreviewable when challenged, they are inadmissible as factual standards when invoked.

IV. Selective enforcement: the three Article 170-2 §1 refusals

In August 2018, I submitted a request to the Vilnius Public Prosecutor’s Office to initiate criminal proceedings against the LGGRTC under Article 170-2 §1, on the ground that the LGGRTC’s October 25, 2015 memorandum, *The Activities of Jonas Noreika (General Storm) in Nazi-*

Occupied Lithuania, which declared Noreika's participation in Holocaust crimes "unproven," constituted public approval, denial, or gross belittling of Lithuanian crimes committed during the Holocaust within the meaning of the statute. Jonas Noreika signed the August 22, 1941 order establishing the Šiauliai district ghetto from which my own family was murdered. The Vilnius Public Prosecutor refused the application.

In September 2018, I submitted a second application under Article 170-2 §1 in respect of the same Noreika memorandum. The Vilnius Public Prosecutor refused again, with formal written notice on November 12, 2018.

In November 2019, after the LGGRTC published the December 17, 2019 Stancikas memorandum reclassifying Noreika as a rescuer of Jews, I filed a third application under Article 170-2 §1. The Vilnius Public Prosecutor refused for the third time.

The prosecutorial reasoning, on each occasion, was that the LGGRTC outputs were "historical-research conclusions" not meeting the threshold of Article 170-2 §1. The same statutory language now invoked against Mr. Fridman was, on three occasions, formally held by the same office to be inapplicable to public exoneration of a documented Holocaust perpetrator by a state historical institution.

Counsel may consider:

- (1) moving the court to admit the three refusal files in unredacted form;
- (2) moving the court to compel disclosure of the prosecutorial reasoning, internal memoranda, and any supervisory communications concerning the asymmetric application of Article 170-2 §1;

(3) raising selective-enforcement and discriminatory-application challenges under Article 29 of the Lithuanian Constitution and Article 14 of the European Convention, taken in conjunction with Articles 7 and 10.

If the same statute means one thing for state institutions and another for Jewish citizens, the prosecution is constitutionally and conventionally compromised. The full record of the approximately thirty challenges is [public at grantgochin.com](http://public.at.grantgochin.com), and counsel may rely on it as documented historical fact.

V. Expert evidence — methodological challenge

The indictment relies on interpretive expert analysis. Counsel may consider attacking that evidence on methodology before it reaches the trier of fact:

(1) **Qualification** — what expertise qualifies the analyst to convert political and historical speech into criminal intent? Linguistic competence is one matter; ideological adjudication is another.

(2) **Linguistic standard** — was the post analyzed in its original Russian, in Facebook auto-translation, in Lithuanian translation, or across all three? The indictment itself notes a translation issue around “golovorezy.” Translation uncertainty cuts against criminal certainty.

(3) **Alternative interpretations** — was the Jewish family-memory interpretation considered? Was the May 9 anti-Nazi-defeat interpretation considered? Was the published-Lithuanian-source interpretation considered?

(4) **Reliance on LGGRTC outputs** — did the analyst rely on LGGRTC historical conclusions as factual baselines? If so, on what evidentiary basis are LGGRTC conclusions admissible as factual

standards in a criminal case, given the Lithuanian courts' own holding that they are nonreviewable informational acts?

(5) **Streikus Council finding** — if the analyst relied on LGGRTC sources, the analyst must address the March 22, 2026 Streikus Council communication to the Seimas Speaker, the Seimas National Security and Defense Committee, the Seimas Human Rights Committee, and the Seimas Freedom Fights and State Historical Memory Commission stating that the Council “ha[s] no feedback from the institution’s leadership,” that LGGRTC leadership ignores its recommendations, withholds documents or delivers them too late for meaningful review, and avoids providing information.¹² If Lithuania’s own statutory expert oversight body cannot communicate with LGGRTC leadership, expert testimony reliant on LGGRTC outputs is methodologically unsound.

Counsel may consider moving for exclusion of the prosecution expert’s testimony, or in the alternative for appointment of an independent court expert with no LGGRTC affiliation.

VI. Constitutional and conventional defenses

VI(a). Articles 25 and 33 of the Lithuanian Constitution

Article 25 of the Constitution¹³ guarantees freedom to seek, receive, and impart information and ideas. Restrictions are permitted only when established by law and necessary to protect the listed

¹²LRT, [“Seimo įkurta ekspertų taryba teigia nesusikalbanti su Genocido centro vadovybe,”](#) report on the Streikus Council’s March 22, 2026 communication to the Seimas Speaker, Seimas National Security and Defense Committee, Seimas Human Rights Committee, and Seimas Freedom Fights and State Historical Memory Commission.

¹³Constitution of the Republic of Lithuania, Articles 25, 29, and 33. English text at [lrs.lt](https://www.lrs.lt).

legitimate interests, and freedom of expression is incompatible only with criminal acts such as incitement to hatred, violence, discrimination, slander, or disinformation. The defendant's post does none of these. It is the public expression of conviction by a Lithuanian Jewish citizen on a matter of national history made on the date of his grandfather's commemoration.

Article 33 protects the citizen's right to criticize state institutions and officers and forbids persecution for criticism. The Lithuanian state's elevation of Adolfas Ramanauskas-Vanagas to head-of-state-rank commemorative status, his 2018 reinterment with full state honors, and the LGGRTC's institutional production of his biography are all official acts. Criticism of those acts is protected.

Counsel may consider raising both Articles 25 and 33 as bars to the prosecution.

VI(b). Article 7 of the European Convention — legality and the Drėlingas substrate

The prosecution's deeper architecture rests on the proposition that Soviet-era repression of Lithuanian partisans constitutes genocide under the 1948 Convention, and that *Drėlingas v. Lithuania*¹⁴ so holds. Both propositions are contestable.

First, *Drėlingas* is a Chamber non-violation judgment under Article 7, decided by 5 votes to 2. The Court's own International Crimes key-theme guidance states the limit: under Article 7, "it is not the role of the Court to seek to establish authoritatively the definition or the meaning of a specific crime under international law." The Chamber accepted, **for Article 7 foreseeability**

¹⁴*Drėlingas v. Lithuania*, Application No. 28859/16, Chamber judgment of March 12, 2019, [HUDOC](#). Holding: 5 votes to 2. Grand Chamber referral panel rejected the request on September 9, 2019.

purposes only, the Lithuanian Supreme Court’s explanation that the partisans could be treated as a significant part of the Lithuanian national and ethnic group. That is not a Grand Chamber pronouncement on the protected-group list of the 1948 Convention.

Second, the Chamber dissents are on the record. Judge Motoc concluded that the judgment represented a “major change” in the Court’s jurisprudence and could only have been effected by the Grand Chamber. Judge Ranzoni held that Drėlingas could not have foreseen in 1956 that his conduct would be characterized as accessory to genocide under a domestic statute (Article 99 as amended in 1998) not passed until half a century after the events. Academic commentary describes *Drėlingas* as a de facto recognition of “ethno-political” genocide, a category that does not exist in the 1948 Convention text and that the drafters expressly rejected.¹⁵

Third, Lithuania’s own counsel of record in *Drėlingas* — Professor William A. Schabas — has himself written, of *Vasiliauskas*'s 9–8 Grand Chamber judgment, that such bitterly divided judgments “highlight the difficulty and complexity of the issues being considered but leave us with little certainty about how similar cases will be resolved in the future.”¹⁶ Lithuania cannot have *Drėlingas* as a settled domestic-criminal-law foundation when prosecuting Mr. Fridman, and as an open scholarly question elsewhere.

¹⁵Wojciech Burek, [“Drėlingas v. Lithuania: ECHR ethno-political genocide confirmed?”](#) EJIL: Talk!, April 2019.

¹⁶William A. Schabas, commentary on *Vasiliauskas*, [OUPblog, December 2015](#).

Fourth, *Vasiliauskas v. Lithuania*¹⁷ remains live, governing Grand Chamber authority on the protected-group question. The Grand Chamber held that political groups are not protected under the 1948 Convention. *Drėlingas* did not overturn *Vasiliauskas*; it worked around it.

Counsel may consider raising *nullum crimen sine lege* / Article 7 ECHR challenges to the prosecution's reliance on the post-*Vasiliauskas* re-characterization as a substrate for the present speech-criminalization charge.

VI(c). Article 10 of the European Convention and *Perinçek*

Article 10 protects expression that offends, shocks, or disturbs. The governing authority on criminal punishment for historical speech is the Grand Chamber's judgment in *Perinçek v. Switzerland*¹⁸, finding a violation of Article 10 where Switzerland had criminally punished a politician for statements about the legal characterization of the 1915 events affecting Armenians. The Court emphasized that Article 10 protects historical and political debate, that the margin of appreciation is narrower for political speech, and that criminal punishment of historical speech requires especially compelling justification.

Mr. Fridman's post incites nothing. The legitimate aim is not protection of any concrete person; it is protection of state-curated heroic narrative. The response — a 220-page indictment under two custodial statutes, with a 17-month investigative timeline and a written travel restriction — is

¹⁷*Vasiliauskas v. Lithuania*, Application No. 35343/05, Grand Chamber judgment of October 20, 2015, [HUDOC](#). Holding: 9 votes to 8.

¹⁸*Perinçek v. Switzerland*, Application No. 27510/08, Grand Chamber judgment of October 15, 2015, [HUDOC](#).

grossly disproportionate to a single Facebook post. Counsel may consider an Article 10 proportionality challenge.

VI(d). Article 14 ECHR — discriminatory enforcement

The asymmetry between the three Article 170-2 §1 refusals against the LGGRTC and the present Article 170-2 §1 prosecution against Mr. Fridman is the cleanest available evidentiary base for a discriminatory-enforcement challenge under Article 14 ECHR (taken with Articles 7 and 10) and Article 29 of the Lithuanian Constitution.

Counsel may consider moving the court for full disclosure of the prosecutorial files on the three refusals, the prosecutorial decision-making record on the present case, and any internal guidance on Article 170-2 §1 application.

VII. The complainant and Article 313 §2

The proceeding was initiated by a July 16, 2024 complaint by Algirdas Ramanauskas. The indictment records that he did not follow Mr. Fridman’s Facebook account; he was directed to it by a third party, then reviewed it, and then complained. Article 313 §2 was not designed to permit dynastic policing of public-figure memory by directed offense.

If the prosecution maintains that the criminal apparatus is properly mobilized when a private complainant connected to a deceased state-elevated figure is directed to a Facebook post and is offended by it, the same standard must apply symmetrically. Counsel may wish to consider, in the alternative or in addition:

(1) **Counter-application under Article 313 §2 itself** — if Algirdas Ramanauskas has, in his complaint, his public statements, or his coordination with media, made characterizations of Mr. Fridman that meet the statutory threshold of false statements about a living person capable of arousing contempt, the same statute applied to such conduct must produce the same prosecutorial response.

(2) **Civil action for damages** — in the event the criminal prosecution is dismissed or Mr. Fridman is acquitted, the Lithuanian Civil Code recognizes liability for malicious initiation of criminal proceedings. Counsel may consider preserving Mr. Fridman’s position for a future civil action against Algirdas Ramanauskas for the costs of defense, reputational injury, the seventeen-month travel restriction, and any documented economic loss.

(3) **State liability** — if the prosecution fails, the Lithuanian state itself may bear costs and damages for the seventeen-month restriction of liberty, under Lithuanian state-liability statutes and Article 5 §5 of the European Convention. Counsel may consider preserving the state-liability claim now.

(4) **Article 41 ECHR just satisfaction** — in the event the case eventually reaches Strasbourg and Lithuania is found to have violated Articles 7, 10, or 14, the Court may award just satisfaction including non-pecuniary damages and costs.

VIII. Recommended relief

On the foregoing, I respectfully invite counsel to consider seeking, in the alternative or in combination:

(1) **Dismissal** of both counts on the ground that the elements of Articles 170-2 §1 and 313 §2 are not made out and the indictment is constitutionally and conventionally barred under Articles 25,

29, and 33 of the Lithuanian Constitution and Articles 7, 10, and 14 of the European Convention on Human Rights.

(2) **Particularization** of every element of both counts before opening, in writing, on the record.

(3) **Disclosure** of the three Article 170-2 §1 refusal files; the LGGRTC institutional files on the figures named in Section III(d); LGGRTC letter No. 13R-645 in unredacted form; the underlying Lithuanian Special Archives materials; and all communications between the prosecutorial office, LGGRTC, the State Security Department, the Journalistic Ethics Inspector's service, the complainant, his counsel, and any third parties involved in the initiation, escalation, or coordination of the proceeding.

(4) **Subpoena** to Yad Vashem (Jerusalem) and YIVO Institute (New York) for certified copies of, respectively, the original Koniuchowsky testimonies and the certified translations.

(5) **Admission** into evidence of:

— the published Koniuchowsky volume,¹⁹

— the Masilionis book excerpt and the lrytas.tv broadcast already submitted by the defense;

— the Streikus Council communication of March 22, 2026;²⁰

— the IHRA Working Definition of Antisemitism and the IHRA Working Definition of Holocaust Denial and Distortion;²¹

— the prior Lithuanian judicial holdings declaring LGGRTC outputs informational and nonreviewable.

(6) **Exclusion** of prosecution expert testimony reliant on LGGRTC outputs as factual baselines, or in the alternative appointment of an independent court expert.

(7) **Constitutional reference** to the Constitutional Court of Lithuania on the constitutionality of Article 170-2 §1 as applied to political and historical speech absent incitement, and on the equality-of-application question presented by the three refusals.

(8) **Strasbourg preservation** — in any event, counsel should ensure that the Article 7, Article 10, and Article 14 ECHR challenges are properly preserved at every stage of Lithuanian proceedings for purposes of any future application to the European Court of Human Rights and to the United Nations Human Rights Committee. The case file already supplies the documentary record.

(9) **Civil action preservation** — against Algirdas Ramanauskas (malicious initiation, Article 313 §2 counter-application as appropriate) and against the Lithuanian state (state-liability claim under Lithuanian and Article 5 §5 ECHR grounds).

IX. Closing

²¹International Holocaust Remembrance Alliance, [Working Definition of Antisemitism](#), and [Working Definition of Holocaust Denial and Distortion](#).

Mr. Fridman is presumed innocent. The state has not pleaded the elements. The state's own evidentiary file partially corroborates the contested historical claim. The state has refused, three times, to apply the same statute against its own Holocaust-distortion apparatus. Lithuania's own statutory oversight body for the LGGRTC has formally communicated that it cannot work with that institution's leadership. The prosecution's substrate — *Drėlingas* — is a 5–2 Chamber non-violation judgment that does not say what the prosecution says it says.

These are documentary realities the indictment itself produces. They are available to counsel for adoption, modification, or rejection as Lithuanian criminal procedure permits. I am at counsel's disposal for any clarification, additional documentation, or supporting record counsel may wish to draw upon. The full archive of the approximately thirty actions and the documentary materials referenced here is available [at grantgochin.com](http://grantgochin.com).

Respectfully submitted,

Grant Arthur Gochin

Interested party, *Lithuania v. Artur Fridman* (Criminal Case No. 02-2-00512-24)