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I am writing you to bring attention to the fact that historical events connected with the genocide of citizens are being ignored and distorted in Lithuania. It is especially unfortunate that this is being done publicly by institutions responsible for forming public opinion, so I am requesting you investigate actions by the Center for the Study of the Genocide and Resistance of Residents of Lithuania and its director Teresė Birutė Burauskaitė. My request is based on the reasons elaborated below.

Article 2 of the law on the Center for the Study of the Genocide and Resistance of Residents of Lithuania states the Center for the Study of the Genocide and Resistance of Residents of Lithuania (hereinafter Center) is a state institution which researches all expressions of genocide and other crimes against humanity and war crimes, ... which initiates legal judgment of organizers and perpetrators of genocide.

Article 4 of the same law states one of the Center's tasks is the restoration of historical truth and justice, to accomplish which (article 5 of the law and article 6 of the Center's regulations) it performs these functions:

1) sets the policy of the state on research into genocide committed by occupational regimes and resistance to those regimes: formulates methodologies for and directions of research ... coordinates research in this area carried out by all institutions.
2) publishes academic, informational and analytical material, publishes publications about the genocide of and resistance by Lithuanian residents to occupational regimes.

The Center's function is the study of 20th-century genocide in Lithuania and the presentation of objective information about the destruction of people of Lithuanian and Jewish ethnicity to the public. I believe Genocide Research Center director Teresė Birutė Burauskaitė is performing her functions erroneously, reconsidering without foundation the historical facts of events connected with the Holocaust, subjectively interpreting surviving and publicly-accessible documents and presenting unobjective conclusions to the public and state institutions. These activities occurred in regard to two findings of history concerning the collaboration of J. Noreika and K. Škirpa in genocide committed against the Jewish people during World War II. The Center prepared its findings in 2016.

# Regarding the Finding on J. Noreika

The finding of the Genocide Research Center (appended) determined Jonas Noreika had served in the military court of Lithuania and held the rank of captain before the Nazi occupation in June of 1941. On August 3, 1941, Noreika was appointed administrator of the district of Šiauliai.

It shows that the order signed by Noreika on August 22, 1941, survives (appended), addressed to the alderman and town burgermeisters [mayors] of the district of Šiauliai and announcing that from August 25 to 29 the Jews of the district of Šiauliai were to be moved to the Žagarė ghetto, and inventories of the property they left behind had to be presented to the administrator of the district.

The finding determined that an order signed by Noreika on September 10, 1941, survives, addressed to the alderman and town burgermeisters of the district of Šiauliai and directing them to liquidate moveable Jewish property in the following manner: "a portion of the property is to be guarded until [the issuance] of a separate directive, a portion of the property is to be allocated to schools, rural districts, post offices, orphanages and old folks homes and other institutions; a portion of the property is to be divided and shared with war victims and to be sold at auction." Monies were to be turned over to "the treasury of the executive board of the district" headed by Noreika.

In her finding Center director Teresė Birutė Burauskaitė called these orders "writings," thus softening the content of these order documents, and likewise Noreika's role in the issues of the isolation of the Jews and administering property.

Historically there were 3 ghettos which operated in the Šiauliai district. Two of them were established in the city of Šiauliai by order of the district administrator on July 23, 1941, to which people of Jewish ethnicity resident in the city and district were removed.

The third was the Žagarė ghetto. It was created to handle overflow from the Šiauliai ghettos. People were moved to this ghetto by the order of Šiauliai district administrator Jonas Noreika of September 22, 1941. It's noteworthy the Žagarė ghetto was not reformed into a concentration camp as the other Šiauliai ghettos were. Two thousand, two hundred and thirty-six people (633 men, 1,107 women and 496 children) were shot in the city park in Žagarė on October 2, 1941.

Noreika worked at a civilian institution, but this institution served the goals of the Nazis, organizing the transfer of people into the Žagarė ghetto and the confiscation and sale of their property. In his order of September 10, 1941, on the administration of confiscated Jewish property, Noreika said the property would be allocated to different social institutions (schools and etc.) and to victims of the war.

Historical documents show otherwise. The property and funds obtained from their sale were used for the Nazi war industry. In the district headed by Noreika there is a known and publicized directive by the executive board of the Šiauliai district dated November 5, 1941, and addressed to the mayors of the towns and rural districts, directing them to pay monies obtained from the sale of Jewish property into the bank account of the *gebietskommissar* at the Reich Credit Bank in Šiauliai by November 15.

The Center in its finding omits these circumstances and documents. Describing Noreika's collaboration with the Nazi regime, Teresė Birutė Burauskaitė says in the finding that "in historiography the isolation and the mass murder of Jews are not adjudged as two identical things," and "the movement of the Jews into ghettos ... provided the Nazis the opportunity to move towards the murder of the Jews, i.e., to

annihilate them as an undesirable race," but that "there is no information showing Noreika was connected with organizing or carrying out the mass murder of Jews."

This sort of explanation of historical events distorts the objective truth and demonstrates an inability to come to terms with the events of the Holocaust. It isn't clear, at exactly what moment in time did Lithuanian "historiography" begin to assess collaboration in carrying out the Holocaust as distinct from a crime against humanity? Although the roles might have differed, the actions were aimed at the same goal. It's impossible to consider the establishment of ghettos and the seizure of Jewish property separately from the mass murder; these are part of the crime known as the Holocaust.

In their finding of October, 2015, the Center said "information about Noreika's activities after the uprising, i.e., at the end of June and in July of 1941, is rather fragmentary, [but] in general it can be stated that in July of 1941 captain Jonas Noreika had working relations with two institutions: the Lithuanian Activist Front organization in Telšiai [Lithuania] and the *Kommandantur* [Nazi headquarters] of Plungė [Lithuania]."

It is worth noting the order for the mass murder in Plungė issued on July 13, 1941, also casts a shadow on Noreika, since Noreika worked at the *Kommandantur* set up by the Nazis in Plungė until his appointment as the administrator of Šiauliai district.

Despite these circumstances found, showing Noreika was associated with organizations known to have carried out the mass murder of the Jewish people in the Šiauliai region (in June and July of 1941), the Genocide Research Center in its finding states "It needs to be noted he could not have carried out these functions because ... Noreika was not employed in police structures but rather in a civilian structure and as its administrator." It is not known why Center director Teresė Birutė Burauskaitė, ignoring evidence and without providing additional explanation, states Noreika in July of 1941 c*ould not have issued* an order for murder to LAF/*Kommandantur* units to which he belonged.

The Genocide Research Center finding indicates that from June of 1941 Noreika engaged in active anti-Nazi activities. No arguments or evidence for that is provided in the finding. The Genocide Research Center likewise provided no information for Noreika's contributions to Lithuania in connection with resistance to the Communist regime. Noreika was sentenced to death by a military court under article 1 of the criminal code of the Russian Soviet Federative Socialist Republic (treason against the motherland). He was rehabilitated for this criminal act by a ruling of the Supreme Court of Lithuania in 1991. It is not known for what reason he was decorated with the highest award of the state and the finding fails to say why.

## Regarding the Finding on K. Škirpa

It should be noted that the Center's finding "On the Activities of J. Noreika" is not the only case where the Center in examining an historical figure explains events tendentiously. A speech in defense by the Center was also made in the finding on the activities of K. Škirpa.[1]

The Center in its finding said that on March 19, 1941, K. Škirpa issued a report [2] to his Lithuanian countrymen under occupation. In the sixth point of the report it says: "It's already time to 'inform' the Jews their fate has been decided, so whoever is able, let him today flee Lithuania, in order to avoid unnecessary victims. At the decisive moment take their property into your own hands, so that nothing is lost for no reason."

The finding by the Center emphasizes at least several times Škirpa proposed solving the Jewish problem through deportation. It is worth noting the Center suppresses the detail of directives given in the document of March 24, 1941, [issued] in Berlin, called "Directives for the Liberation of Lithuania," which provided the following instructions:

"It is essential to use this opportunity to rid ourselves of the Jews as well. ... The more of them who flee Lithuania on this occasion, **the easier it will be to finally rid ourselves of Jews**." [3]

The Center also suppresses a document from 1940-1941, Škirpa's address to the Jews of Lithuania entitled "On the Rescinding of Hospitality to the Jews," which proclaims the right of haven Vytautas the Great granted the Jews in the 14th century is rescinded, and says that Jews who do not quit Lithuania together with soldiers of the Soviet Union will be turned over for **summary court martial**; **deported** from their lands with the confiscation of their property, or **severely punished** *in situ* if they attempt to destroy their own property. The Jews are told not to harbor any illusions and that there is no longer any place for them in Lithuania.

Historically Škirpa the diplomat fled occupied Lithuania and in 1940-1941 lived in Berlin. There he planned Lithuania's liberation from Soviet oppression. His best known contribution to Lithuania is the founding of the Lithuanian Activist Front (LAF) organization. Škirpa was the founder, director and main propaganda engine of this organization. The organization's (actual) goal was the restoration of a limited Lithuanian independence within Nazi Germany, and its activity was collaboration with Nazi soldiers in driving out the Soviet government in June of 1941, using previously recruited and coordinated underground LAF cells of soldiers and civilians.

On June 23, 1941, the LAF organization in Kaunas proclaimed "independence" and named Škirpa prime minister. Lithuania has never recognized officially the restoration of independence in 1941, Škirpa's government or its policies. **Over the six weeks the provisional government of Škirpa operated, over 5,000 people of Jewish ethnicity were murdered in Lithuania in pogroms and local summary executions and mass murders.**

From 1940 to 1943 Škirpa communicated in writing with people of diplomatic rank throughout Europe. Detailed communiqués on LAF recruitment and attack tactics as well as their resolve to collaborate

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[1] http://genocid.lt/UserFiles/File/Pazymos/201510_skirpa_pazyma01.pdf

[2] http://www.selflearners.net/uploads/Holocaust/SkirpaPastangosPriedai_LCVA_f648_a2_b582-1000px.pdf

[3] http://www.ms.lt/derlius/PazinkimeKSkirpa.pdf Andrius Kulikauskas, teacher, Philosophy and Communications Faculty, Vilnius Gedimino Techikos Universitetas

with Nazi soldiers in driving out Soviet forces are known to been sent to Hitler himself and his secretary. Besides his diplomatic communication, Škirpa devoted much attention to instructions to the LAF and ideological propaganda for the insurgency, communicated orally and in writing in Lithuania from 1940 onwards.

The finding by the Center presents nothing about the possible influence of Škirpa's anti-Semitic propaganda, and instead quotes the Lithuanian historian Liudas Truska as saying "the LAF announcements were one of the reasons why in the summer of 1941 some Lithuanians contributed to Nazi crimes and carried out [their] orders." [4] The Center in its finding does not consider this in more detail and downplays it, summarizing thus: "There were anti-Semitic **expressions** in the activities of the LAF organization commanded by K. Škirpa."

In its finding the Center white-washes the anti-Semitic propaganda of the LAF and its influence, explaining the content of its documents as distinct from the genocide of the Jews and the theft of their property which began during the tenure of the Škirpa government. The finding suppresses the causal relationship, that the imprisonment of the Jews and the seizure of their property was one of the goals of that provisional government of Lithuania, fleshed out in the directives and calls to action by Škirpa which formed the ideological basis of the Lithuanian provisional government.

## On Public Statements by Teresė Birutė Burauskaitė

Soon after the finding on Škirpa was published on the internet, in a public statement on the issue Teresė Birutė Burauskaitė told the Lithuanian newspaper *Lietuvos žinios* that:

“We must understand that K. Škirpa spoke in the language of the time period he lived in and spoke in a way that his words would be understood by the people of that time. So his rather harsh comments shouldn't be [considered] categorical," and [the newspaper continued:] "**She stressed scholars who had studied Škirpa's activities discovered no anti-Semitic actions in them**. This person is truly not a criminal who should be pushed into the footnotes of history." [5]

Judging by the statements in the finding and the speech of Teresė Birutė Burauskaitė, it appears Teresė Birutė Burauskaitė is presenting intentionally mendacious statements to the public regarding the anti-Semitic activities of Škirpa, in contradiction to the opinion offered by the historian Liudas Truska which was quoted in that same finding.

After the finding on the figure of Noreika was published Teresė Birutė Burauskaitė also made statements in the foreign media. [6] Asked why "the main research institution in the books and publications says little or nothing about the dark side of the Forest Brothers [partisans] and couldn't the center do more to provide balance?" she answered:

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[4] L. Truska, V. Vareikis, Holokausto prielaidos: antisemitizmas Lietuvoje [Origins of the Holocaust: Anti-Semitism in Lithuania], Vilnius, 2004, pp. 86–92

[5] http://lzinios.lt/lzinios/Gimtasis-krastas/pasvalys-iamzino-k-skirpos-atminima/234330

[6] http://balticworlds.com/the-forest-brothers-heroes-villains/ published October 25, 2015. Printed version: Baltic Worlds BW 3:2016, pp. 49-53

"We are trying, but we have come upon resistance by influential conservative powers. There are several active organizations defending the memory of the partisans and they contact us whenever we point out less favorable characteristics. I often receive letters from these people. And they have influential friends among the politicians and high-ranking officials. These people try to influence the works on history being published. In November as elections drew near it became ever more difficult to raise the issue of a more balanced picture of our modern history."

The Center on its Facebook page on November 16, 2015, posted the following response to an active group of citizens who petitioned the [Vilnius] municipality for the removal of a plaque honoring Noreika in Vilnius:

"Neighbors in the East are organizing the desecration of Lithuanian patriots. They are being aided not just by certain Jews, but also a significant number of Lithuanians: their names are signed at the bottom of petitions calling for the recall of awards, to take down a plaque, and on libelous articles in the press... Some of them do it intentionally, others out of stupidity."

The actions by Teresė Birutė Burauskaitė described above are a revision of the events of the Holocaust and an insult to the Jewish citizens of Lithuania. This sort of behavior transgresses the limits of self-expression defined by the European Court of Human Rights and therefore these and similar expressions demand exceptional attention.

## Legal Explanation of Genocide

The Nuremberg International Military Tribunal Statute contributed to the legal codification of this crime. It defines the criminal acts involved and formulated the principles of international law which were recognized as universal in a resolution by the General Assembly of the United Nations in 1946. Another crucial document is the convention of December 9, 1948, called the Convention on the Prevention and Punishment of the Crime of Genocide. Lithuania is party to this convention.

According to article 6 of the 1945 Nuremberg Statute, crimes against humanity include: murder, extermination, imprisonment, deportation or other inhumane acts against a civilian group before or during war time. Commanders, organizers, inciters and collaborators who participate in the conspiracy or implementation of the general plan to commit any of the abovementioned crimes are responsible for all actions taken against any people in the attempt to implement such plan.

The Lithuanian criminal code also condemns people who organized, led or participated in their murder, torture, hindering their mental development, deportation and otherwise creating such living conditions that these cause the death of all or a portion of them (article 99).

The United Nations International Law Commission has said that "separate criminal acts of genocide are by their very nature pre-meditated, intentional or volitional actions which the individual is usually incapable of committing without comprehending that they will cause the corresponding effects. These are not the type of acts which can be committed unintentionally or as the result of negligence. [7]

[7] UN Draft Code of Crimes against the Peace and Security of Mankind, article 17, http://legal.un.org/ilc/texts/instruments/english/commentaries/7_4_1996.pdf

The International Law Commission provides the following explanation of the intention: "The scope of comprehension of the plan or policy details required to commit genocide changes in relation to the criminal's status within the governmental hierarchy or military structure. This means that the subordinate who actually carries out the plan or policy cannot be considered responsible for the crime of genocide, simply because he did not have the same degree of information about the plan or policy as his leader. The crime of genocide requires knowledge of the final goal rather than knowledge of every detail of the policy or plan for genocide. It is considered the subordinate knows the intentions of his leader when he receives orders to carry out illegal actions against people who belong to that specific group." [8]

Taking into consideration the legal acts described above and the findings of the Center, it should be stated the Center in forming state policy in the field of historical studies and determining the methodologies for and directions in such research is in violation of article 99 of the criminal code of Lithuania, article 6 of the Nuremberg Statute and the principles defining the commission of the crime of genocide formulated by the United Nations.

The Center is a state institution which in conducting historical research and publicizing the official results forms public and institutional opinion on the events of the Holocaust and the genocide of the Lithuanian people. The opinion presented must be objective. The findings detailed above show the Center director explains historical facts in a distorted manner, revises them, ignores inconvenient facts and evidence and fails to judge voluntary contribution to genocide a crime against humanity. Center director Teresė Birutė Burauskaitė advocates for the participants (the collaborators) in the genocide of the Jewish people, presenting in Center findings and the press statements which are in contradiction to the historical facts without further explanation, and also speculates on facts extremely difficult to prove (i.e., might/might not have, knew/didn't know) while exaggerating aspects intended to create a positive image of the individual in question. This sort of explanation and interpretation of historical events is a distortion of history and denial of genocide, misleading society, transgressing the limits of freedom of speech and giving rise to radical expressions of nationalism.

Considering the circumstances outlined and based on articles 19, 21 and 22 of the Lithuanian law on Parliamentary Ombudsmen, we request:

1. An investigation into the actions of Center director Teresė Birutė Burauskaitė in connection with the findings on the actions of J. Noreika and K. Škirpa, and to recognize this complaint as well-founded.

2. If violations are discovered, to require Teresė Birutė Burauskaitė to prepare and publicize (on the Center web page and in the Lithuanian newspaper *Lietuvos žinios*) at her own expense an article renouncing the statements regarding "the lack of discovery of anti-Semitic activities by K. Škirpa" and "the non-collaboration of J. Noreika with the Nazi regime" expressed in the Center's findings and in public statements.

3. To apply appropriate disciplinary measures to prevent statements of a similar nature in the future.

[8] *Ibid*., article 18

Appendices:

1. Center's Finding on the Actions of J. Noreika (for the Vilnius municipality);
2. Center's finding on J. Noreika's actions from 1941 to 1943;
3. Center's finding on the actions of K. Škirpa veiklos;
4. Center's entry on its Facebook page;
5. Request to the municipality regarding the plaque honoring J. Noreika;
6. J. Noreika's order of August 22, 1941.

Sincerely,

Grant Arthur Gochin
March 2, 2017