SUBMISSION FORM OF INDIVIDUAL COMMUNICATIONS TO TREATY BODIES

Please provide answers to **all areas of the form**. Submissions in languages other than **English, French, Russian or Spanish** will not be processed. The completed form should enable treaty bodies to determine the nature and scope of your complaint for the purposes of registration. If needed, please include as an attachment any additional, chronologically-ordered factual information. (Maximum word limit of this attachment: 10,000). Please check the **Guidelines for submission of individual communications to treaty bodies** for further assistance on how to complete this form.

1. Name of Committee to which the communication is submitted:

   CCPR

2. State party or States parties concerned:

   Republic of Lithuania

3. Complainant:

First name	Grant Arthur
Family name	Gochin
Date of birth	02/11/1963
Nationality	Lithuanian

4. Contact details of complainant:

Email	ggochin@gmail.com
Phone number	+18186256513
Address	10900 Winnetka Ave., Chatsworth, CA91311, USA

5. Victim (if different from complainant):

First name	Click or tap here to enter text.
Family name	Click or tap here to enter text.
Date of birth	Click or tap to enter a date.
Nationality	Click or tap here to enter text.

6. Counsel or other representative (if the complainant is represented):

First name	Rokas

Family name	Rudzinskas
Email	rokas@rlaw.lt
Phone number	+37061488303
Address	A.Mickeviciaus 14-2, Vilnius, LT08119, Lithuania

7. Would you like for the complainant / victim's name to be anonymized in an eventual decision by the Committee?

☐ Yes ☒ No

8. Have you submitted the **same matter under another procedure of regional / international investigation or settlement**?

☒ Yes ☐ No

If the answer is yes, please indicate the procedure or body, the date of submission, the authors and the claims invoked, and the decision adopted

European Court of Human Rights, 2021 FEB 11th, attn. Rokas Rudzinskas, claimed to declare Lithuania in breach of ECHR Art. 3, 8, 13, application declared inadmissible.

9. Are you requesting **interim measures** (to avoid irreparable harm to the complainant/victim) or **measures of protection** (to avoid harm or reprisals against the complainant/victim and/or family members or representatives)?

☐ Yes ☒ No

If yes, indicate what kind of specific measures and justify the request. [word limit: 400]

Click or tap here to enter text.

10. **Facts.** Please provide a summary of the main facts of the case, in chronological order, including the dates, and information on administrative/judicial remedies. Please focus on the facts of the individual case. Information referring to a general context should be included only if relevant, and as brief as possible. **Do not include allegations of violations (these should be included in para. 11 below) Include information on d<u>omestic remedies:</u>** Please describe, in chronological order, each step taken by the victim(s) to raise their claims before courts and/or administrative authorities. Please describe the date and content of each submission, the authority to which it was submitted, the date of the decision, and the reason(s) for the decision. If domestic remedies have not been exhausted, please state why [word limit 2,500]

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 on 2-3 October 1941. Evidence in Yad Vashem (the Holocaust museum in Jerusalem) indicates that Meyer Simon Gochin and Miriam Gochin were killed on Yom Kippur 1941, 1 October, 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 'Einsatzgrüppen 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).

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.

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 Noreka 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.

11. **Claim.** Please explain how and why you consider that the facts and circumstances described violate your rights/ the victim(s)' rights. Please specify which rights you consider to have been violated (if possible, identify the articles under the relevant treaty) **[word limit 600]**

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 6, 7, 17 and 19 of the International Covenant on Civil and Political Rights.

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. This application concerns the protection against distortion and denial of the truth by State organs.

In General Comment 36, the Human Rights Committee stated that States Parties must take 'appropriate measures to establish the truth relating to the events leading to the deprivation of life, including the reasons and legal basis for targeting certain individuals and the procedures employed by State forces before, during and after the time in which the deprivation occurred' (para. 28). 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 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).

The right to truth is especially important 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; *Şandru and Others v. Romania*, no. 22465/03, § 79, 8 December 2009; *El Masri v. 'the former Yugoslav Republic of Macedonia'* [GC], no. 39630/09, § 191, ECHR 2012 and Joint Concurring Opinion of Judges Tulkens, Speilmann, Sicilianos and Keller, § 6). This interference with the fundamental rights of the Applicant is particularly egregious because it distorts one of humanity's greatest crimes, the genocide of Europe's Jewish population.

The denial of Applicant's right to the truth constitutes a violation of his right to privacy (art. 17) and also a breach of his right to freedom of information (art. 19). States have a duty to disseminate information truthfully, accurately and impartially. In its most recent Concluding Observations on Lithuania, the Committee expressed concern about noted initiatives that would restrict and inhibit freedom of expression, including that of individuals addressing the complicity of Lithuanians in Nazi crimes against Jews and others (CCPR/C/LTU/CO/4, para. 27). This application merely concerns the other side of that coin, namely the deliberate distortion of the historical truth and the creation of a false and dishonest narrative.

The Applicant has not been provided with an effective remedy before a national authority for the breach of his rights under articles 6, 7, 17 and 19 in violation of article 2(3) of the

Covenant. 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.

12. Date, place and signature

Date 27/01/2022

Place Vilnius, Lithuania

Signature of the complainant(s) and victim(s) (if different and able to sign):

Signature of the Counsel (if the complainant is represented):

Note: You will need to send two files:

- **The word document file (does not need signature) AND**
- **The signed document scanned or photographed**

13. List of documents

Please make sure all documents are ordered by date, are numbered consecutively, and are clearly labeled (Example: Annex 1 (Complaint to District Court-4 Jun 2020); Annex 2 – (Decision of District Court-8 Jul 2020)).

X Decisions of domestic courts (and administrative authorities) on your claim as well as executive summaries of such decisions if they are not in one of the four working languages indicated above

X Complaints to and decisions by any other procedure of international investigation or settlement

X Any documentation or other corroborating evidence you possess that substantiates your communication, including medical or psychological reports, if relevant.

☐ Relevant national legislation, if applicable.

14. How to submit individual communications

Please send the completed application form and attached documentation by email to: **petitions@ohchr.org**

If it is impossible to submit the case electronically, please explain why and send in paper (not exceeding 20 single-sided pages) to:

Petitions and Urgent Actions Section

OHCHR

Palais des Nations

Avenue de la Paix 8-14

1211 Geneva

Switzerland.

No paper complaints will be processed unless a justification is provided. Please do not include originals, but only copies. No documents will be returned.