

Lithuania Built the Memory Crime

How a dispute over postwar partisans became criminal doctrine

By Grant Arthur Gochin

Artur Fridman is on trial in Vilnius because of a Facebook post about Adolfas Ramanauskas-Vanagas and Lithuania's postwar anti-Soviet partisans. Viewed by itself, the case can be made to look ordinary: a democratic state has a criminal statute governing denial or gross trivialization of specified international crimes, a prosecutor alleges that a citizen crossed the line, and a court decides whether the statutory elements are proved.

That description begins too late. The impulse to criminalize appeared in 2009. Over more than fifteen years—from Parliament's June 2010 enactment of Article 170² to the Supreme Court's December 2025 interpretation—the legal structure developed through legislation, professional consequences and criminal prosecutions. By the end of that period, Lithuania's highest criminal court had articulated a method capable of examining not only what a speaker says but how historical meaning is constructed.

In that judgment, Lithuania's Supreme Court placed strong protection for historical debate and an expansive account of indirect historical denial inside the same numbered paragraph. Fridman's post was neither cautious nor implicit. The importance of the judgment is therefore institutional: it shows the legal environment in which his trial now proceeds.

Before the Statute

In 2009, historian Mindaugas Pocius published *Kita mėnulio pusė* (Vilnius: Lietuvos istorijos instituto leidykla, 2009; [Lituanistika bibliographic record](#)), a study of punitive actions against actual or alleged collaborators during Lithuania's postwar partisan conflict. Pocius did not accuse the entire resistance of criminality. In a [contemporaneous 2009 interview](#), he said that terrorist acts by some individual underground members or groups amounted to serious violations of international humanitarian law and war crimes, while warning against transferring those acts to the partisan movement as a whole.

Historian [Violeta Davoliūtė](#) later reported that Pocius documented more than 9,000 civilians, including at least 300 children, killed after being designated collaborators. She records that critics attacked his use of Soviet sources and accused him of slandering the partisans. More important for this chronology, she records that 2009 saw initiatives to criminalize slander of the Forest Brothers.

Davoliūtė also reports that a complaint asked prosecutors to investigate Pocius for allegedly distorting and revising Lithuanian history and that prosecutors found no grounds to proceed. I do not possess that prosecutorial decision and do not attribute reasoning to it beyond her account. The construction thesis does not depend on the refusal. It rests first on the documented demand for criminalization, followed by legislation.

The professional consequence was visible later. In 2017, Davoliūtė wrote that the attacks had produced a chilling effect on professional scholarship and that Pocius's remained the only monograph addressing the subject. Historical disagreement had acquired institutional cost before Lithuania's new memory offense reached a courtroom.

The Law Arrives

On June 15, 2010, the Seimas enacted [Law XI-901](#). It entered into force on June 29. Article 2 added Article 170² to the Criminal Code, while Article 3 added Council Framework Decision 2008/913/JHA to the Code's annex of European Union instruments implemented by Lithuania.

The [Framework Decision](#) was aimed at combating racism and xenophobia through criminal law, with a mandatory core addressing specified conduct directed against groups defined by race, color, religion, descent, or national or ethnic origin. It required criminalization of specified forms of public condoning, denial or gross trivialization of genocide, crimes against humanity and war crimes. The EU measure allowed member states to adopt broader rules; it did not require Lithuania's additional Soviet/Nazi historical-memory category. Lithuania made that national choice in Article 170², extending criminal memory law into disputes over crimes committed by the USSR or Nazi Germany against Lithuania or its inhabitants. Historical disagreement alone is not enough. Under Article 170² §1, the conduct must also be threatening, abusive or insulting, or public order must have been disturbed or capable of being disturbed. The available penalties include a fine, restriction of liberty, arrest and imprisonment for up to two years. [The Criminal Code sets out those conditions.](#)

Article 313 §2 is different. It criminalizes specified false assertions about a deceased person capable of arousing contempt or undermining respect for that person's memory. It is a criminal misdemeanor punishable by community service, a fine, restriction of liberty or arrest. Arrest is a short custodial penalty, even though §2 carries no term of imprisonment. Under §3, proceedings depend on an injured person's complaint, a legal representative's statement or a prosecutor's request. Years later, Articles 170² and 313 would appear together in cases concerning Ramanauskas-Vanagas.

Dr. Darius Albertas Udryš

Dr. Darius Albertas Udryš belongs in this chronology for a different reason. His case was not criminal. It records the professional consequences surrounding a challenge to partisan violence before Titov's prosecution moved the dispute into criminal law.

Dr. Udryš was born in the United States to a Lithuanian refugee family. In a [2017 LRT interview](#), he described his grandparents' flight as the second Soviet occupation approached and his own decision to move to Lithuania because he had been raised to believe that, once the country was free, his generation should help rebuild it. His family history also includes rescue during the Holocaust. His grandmother Elena Akmenskaitė-Ruzgienė's sister, Ona Žilius-Žilevičienė, together with Danielius Žilevičius and Adolfina Žilevičienė, sheltered the Jewish child Genia Rudnik. [Yad Vashem recognized all three as Righteous Among the Nations in 2006. The Lithuanian National Library identifies Ona as Dr. Udryš's great-aunt.](#)

In June 2017, while directing Go Vilnius, Dr. Udryš questioned the morality of a partisan leaflet threatening death to people involved in organizing collective farms. He also expressly rejected Soviet crimes, collectivization and the human-rights abuses of the occupation. Conservative politicians demanded his removal. Mayor Remigijus Šimašius publicly criticized Dr. Udryš's position but said he would evaluate him on his work rather than his Facebook statements. [Five weeks later, on July 7, 2017, Šimašius removed him](#) while citing performance.

The Vilnius City District Court rejected Dr. Udrys's challenge on August 24, 2017. On January 15, 2018, the Vilnius Regional Court reversed. Its findings, preserved in the later [Lithuanian Supreme Court judgment](#), rejected the municipality's factual case against him: its performance criticisms were general and abstract, some targets had been exceeded, and concrete evidence of professional fault was absent.

The Regional Court also addressed Dr. Udrys's contention that removal was connected to his public statements, beliefs and views. It said such a ground could involve discrimination and that a court had to ensure an employee had not been dismissed on discriminatory grounds. It further found that the municipality's public account of his supposed professional deficiencies had harmed his reputation. The Supreme Court later held that the city had legal power to remove the head of a public institution without proving misconduct, while expressly agreeing that professional fault had not been established.

On remand, the Vilnius Regional Court awarded Dr. Udrys approximately [€20,800 in employment-related payments, €100 in non-pecuniary damages and €1,500 in costs](#). The city announced that it intended another appeal. The structural point does not require treating the employment litigation as a criminal case: by 2017, questions about partisan violence had moved from scholarship into a public-employment controversy in which an appellate court expressly confronted the possibility that speech and views were implicated.

The First Criminal Case

In July 2018, the dispute entered criminal process. Klaipėda municipal councilor Viačeslavas Titov objected to commemorating Ramanauskas-Vanagas and made allegations about killings during the partisan conflict. [The Prosecutor General's Office later summarized](#) his claims as including approximately 8,000 civilians and children killed at Ramanauskas's initiative and the allegation that Ramanauskas personally pronounced death sentences. Titov said he had found the 8,000 figure in the [1957 Soviet Lithuanian Supreme Court judgment against Ramanauskas](#). That provenance would later become part of the evidentiary dispute over his claims.

On July 22, journalist [Andrius Tapinas said he had submitted a complaint](#) through Lithuania's E-Police system and sent copies to prosecutors. On July 23, Klaipėda Regional Chief Prosecutor Simonas Minkevičius formally required commencement of a pre-trial investigation under Article 313 §2. The investigation was opened and later expanded.

On May 14, 2019, the [Klaipėda District Court convicted Titov](#) under Article 170² §1 and Article 313 §2, and also under Article 170 §2 on an incitement count. Fridman does not face Article 170 §2. The same first-instance judgment contained acquittals on separate Article 170 §2 episodes, which the prosecution appealed. On October 17, 2019, the [Klaipėda Regional Court](#) preserved the convictions relevant here and reduced the final fine from €12,000 to €10,000.

By then Article 170² was no longer only statutory language. It had been used to punish historical speech about the postwar resistance and Ramanauskas-Vanagas.

Paleckis and the Supreme Court's Interpretation

Algirdas Paleckis requires full disclosure before his later case can be used. He was already serving a prison sentence for preparing to spy for Russia's Federal Security Service. In 2023, [Lithuania's Supreme Court reduced that sentence to five years and six months](#) after holding that the proved conduct constituted preparation for espionage rather than completed espionage. He is not offered

here as a sympathetic figure. His later significance is the interpretation of Article 170² produced in his case; that doctrine survives the defendant who generated it.

On October 25, 2022, while in Kaunas Prison, Paleckis participated by telephone in a program broadcast on the [ekspertai.eu/PressJazz](https://www.ekspertai.eu/PressJazz) YouTube channel. The later Supreme Court judgment records the date, location and medium. His statements blamed the United States for damage attributed to the postwar resistance, portrayed the partisans as misled and criminal, asserted that 25,000 civilians had been killed by the Forest Brothers and minimized the Soviet role.

The charged speech also included the statement that partisans had shot Jewish children, elderly people and women. I do not adopt that allegation here as historical fact. Its relevance is confined to the reach of the statute: Article 170² has been applied to historical speech that included an assertion that anti-Soviet partisans killed Jews.

The November 20, 2024 Kaunas District Court judgment was mixed. It convicted Paleckis of defaming Laurynas Kasčiūnas, who had been chair of the Seimas National Security and Defence Committee when the underlying statement was made and was Lithuania's defense minister by the time of judgment. The court imposed three months' imprisonment on that count but acquitted Paleckis under Article 170² §1, treating his statements as views about the partisan war and its participants rather than criminal denial of Soviet genocide or crimes against humanity. It also regarded a degree of hyperbole as insufficient by itself to establish Article 170² liability.

Both sides appealed different parts. The defense attacked the defamation conviction. The prosecutor sought annulment of the Article 170² acquittal and requested one year and one month of imprisonment on that count. On March 13, 2025, the [Kaunas Regional Court reversed in both directions](#): it acquitted Paleckis of defamation but convicted him under Article 170² §1, imposed one year on that offense, and combined it with the unserved espionage sentence for a remaining aggregate term of one year, ten months and eighteen days.

The appellate court's analysis did not stop at the literal words spoken. It treated Paleckis's framing as capable of indirect denial or gross trivialization by transferring responsibility, minimizing the Soviet role, omitting the resistance's independence objective and presenting partisans through what it found to be distorted historical claims. It also treated provenance as part of the analysis, concluding that some material relied on KGB information and had later been officially refuted. That does not create a general rule that Soviet archives are inadmissible or worthless. It records how source provenance entered the criminal assessment in this case.

On December 9, 2025, the [Lithuanian Supreme Court](#) rejected the defense cassation appeal in Criminal Case No. 2K-173-1073/2025. Paragraph 16 first recognizes that historical discussion may contain polemic, sharpness and a degree of exaggeration, and that freedom of expression protects historical inquiry even when ideas offend, shock or disturb. In that same numbered paragraph, the Court states that international crimes may be denied or trivialized not only in direct language but through "omissions, cautious formulations or hypotheses." (Lithuanian Supreme Court, Criminal Case No. 2K-173-1073/2025, Dec. 9, 2025, para. 16; protective wording: "pripažįstama tam tikros polemikos, kandumo, perdėjimo galimybė"; restrictive wording: "panaudojant nutylėjimus, prisidengiant atsargiomis formuluotėmis ar hipotezėmis.")

The Court did not treat exaggeration as a safe harbor. In applying its approach, it relied on the unsupported 25,000 civilian-death figure and on what it considered distorted historical facts, omitted circumstances and reassigned responsibility. The first-instance court had treated a degree of

hyperbole as insufficient by itself; the Supreme Court preserved room for polemic and exaggeration while allowing criminal assessment to encompass the overall construction of historical meaning.

Lithuania can fairly answer that this is ordinary appellate review: a trial court decided one way, an appellate court corrected it, and the Supreme Court affirmed. The construction argument does not depend on calling that process improper. The significant development is that the Supreme Court, under a section expressly devoted to the interpretation and application of Article 170², articulated a general approach for criminal courts considering historical speech, including context, omission, source reliability and the overall meaning conveyed.

Fridman Inside the Regime

Fridman's May 9, 2024 Facebook post presents a different form of speech. He did not hide his conclusion behind an omission or cautious hypothesis. After visiting Antakalnis Cemetery to honor his grandfather Aron Fridman, a Jewish Red Army soldier who fought Nazi Germany, he called the postwar partisans "forest bandits," described Ramanauskas-Vanagas as a "pseudo-hero," and alleged collaboration with Soviet security.

Algirdas Ramanauskas filed a complaint with the Vilnius Regional Prosecutor's Office on July 16, 2024. The [indictment](#) records that he did not follow Fridman's Facebook account and had been alerted to the post by someone else. On January 8, 2025, authorities imposed a written undertaking restricting Fridman from leaving Lithuania. Prosecutors filed charges on October 30, 2025 under Article 170² §1 and Article 313 §2. The formal indictment is twelve pages; the broader pre-trial file is roughly 220 pages. [The Vilnius City District Court opened the trial on March 5, 2026.](#)

The two counts expose him differently. Article 170² carries possible imprisonment for up to two years, but the state must prove the statutory historical-speech offense together with its threatening, abusive or insulting qualifier, or the public-order alternative. Article 313 §2 is a misdemeanor carrying community service, a fine, restriction of liberty or arrest.

The indictment identifies Algirdas Ramanauskas as the complainant seeking protection of the deceased's memory, but elsewhere records no data under "injured party." Article 313 §3 allows activation by an injured person, a legal representative or a prosecutor's request. The procedural basis by which the Article 313 §2 count was activated should therefore be established on the court record rather than assumed.

One part of the prosecution file also prevents the historical dispute from being described as invented from nothing. LGGRTC letter No. 13R-645, dated September 2, 2025, records Soviet security recruitment contact with Ramanauskas in January 1945 under the codename Džūkija. [That does not prove Fridman's stronger claim of collaboration.](#) The [LGGRTC's own published account](#) renders the same codename as "Dzūkija" and says that some KGB documents mark Ramanauskas as agent "Ragelis" or "Dzūkija," while an adjoining notation states that he supplied no information and did not work for Soviet security. The spelling varies between the cited sources; the historical issue is the same recruitment episode. The point here is narrower: a criminal dispute now turns in part on the interpretation of an archive that the state itself acknowledges exists.

The Article 10 Test

The construction of a criminal-memory regime does not, by itself, make every prosecution under it unlawful. Article 10 of the European Convention permits restrictions on expression, but they must

answer a pressing social need, rest on relevant and sufficient reasons, and be proportionate to the legitimate aim pursued.

In [Perinçek v. Switzerland](#), the European Court of Human Rights Grand Chamber applied that framework to criminal punishment for historical-political speech and found a violation of Article 10. Perinçek does not decide Fridman's case, but it confirms that criminal punishment of contested historical expression remains subject to necessity and proportionality analysis rather than ending once a state labels the speech forbidden.

The Paleckis judgment itself did not ignore Article 10. Lithuania's Supreme Court expressly analyzed freedom of expression under Article 10 and Article 25 of the Constitution, cited Strasbourg authorities including Perinçek, and upheld Paleckis's conviction. That is Lithuania's strongest answer. It does not resolve Fridman's case because necessity and proportionality are fact-specific: Fridman's speech, the two charges against him, the evidentiary record and the absence of an Article 170 §2 incitement count differ. The Article 10 analysis therefore has to be conducted afresh on Fridman's record rather than imported from Paleckis.

The publicly available record does not presently disclose why criminal prosecution of Fridman's Facebook post is a necessary and proportionate response. The trial opened on March 5, 2026 and remains pending, so the state's evidentiary presentation is not complete in the public record. What is already clear is that historical offensiveness, disagreement with an official conclusion and harsh language do not relieve the prosecution of proving every statutory element.

The Diplomatic Description

In an [April 13, 2026 letter to the Israeli-American Civic Action Network](#), Consul General Sandra Brikaitė wrote that Lithuania "fully upholds freedom of expression, including open and critical discussion of historical figures and events." That assurance was issued after Article 170² had been enacted, after Titov's conviction, after the Paleckis appellate reversal and Supreme Court interpretation, and while Fridman was being prosecuted under the same provision.

The relevant question is not whether Lithuania can state a commitment to freedom of expression. It is where the criminal boundary lies when citizens contest the state's account of its own past. Article 170² began as statutory language; through litigation it acquired a method for examining the words used, the historical material selected, source provenance, omissions and the overall meaning conveyed. That is the legal environment Fridman now faces.

Artur Fridman is innocent. The prosecution against him is illegitimate.

The publicly available record does not presently establish every element of either charged offense or disclose a necessary and proportionate justification for using criminal law against this speech. His trial remains pending.

Lithuania did not create Fridman's words. It did create the criminal-law architecture now being used to judge them.