

Vilnius City District Court

Plaintiff:

Grant Arthur Gochin

Date of birth: November 2, 1963

Address: 10900 Winnetka Ave., Chatsworth, CA 91311

USA

Plaintiff's representative (address for correspondence):

Rokas Rudzinskas, attorney

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Defendant:

State institution Center for the Study of the Genocide and Resistance of Residents of Lithuania

Corporate code: 191428780

Address: Didžioji street no. 17/1, Vilnius

The claim is presented by electronic telecommunications means

The claim contains a non-financial demand

Claim

for the annulment of historical findings

May 29, 2020, Vilnius

1. Factual basis for the complaint

The defendant is a state budgetary institutions with tasks and goals assigned by law: study of the physical and spiritual genocide of residents of Lithuania carried out by the occupational regimes from 1939 to 1990 and the restoration of historical truth and justice. The defendant publishes academic, informational and analytical material and publishes publications about the genocide of Lithuanian residents and their resistance to the occupational regimes.

In July of 2015 at the request of the mayor of Vilnius the defendant prepared an historical finding which presented its explanations on Jonas Noreika's possible collaboration with the Nazis from 1941 to 1943.

In October of 2015 the defendant prepared another historical finding on Jonas Noreika which it published openly on its website, and also sent to the Government chancellor, the mayor of Vilnius and the director of the Vrublevskiai library.

The arguments in the defendant's findings of history are categorical and dismiss all suspicions on alleged crimes against humanity. The more important passages are presented below:

"There is information that Jonas Noreika in July of 1941 lived in Telšiai. Here he commanded the LAF [Lithuanian Activist Front] organization in the Telšiai district and was active in public service. As commander of the local activists' headquarters, he contributed to the legal prosecution of people who had cooperated with the Soviet occupational regime in 1940 and 1941."

"During the period of the German occupation Jonas Noreika did not participate in operations for the mass extermination of Jews in the Telšiai and Šiauliai districts. The occupational Nazi regime, however, did manage to draw him, as they did other officials from the Lithuanian civilian administration, into administrating affairs connected with the isolation of Jews."

"In historiography the isolation and the mass murder of the Jews are not considered identical," "driving the Jews into ghettos ... provided the Nazis the opportunity to shift over to the murder of Jews, i.e., to exterminate them as an undesirable race," "but there is no information Jonas Noreika was involved with the organization or execution of the mass murder of Jews."

"No information, not even hints, that Jonas Noreika was a participant in mass extermination operations against the Jews in the Šiauliai district was discovered in the archival documents and works by historians examined."

The plaintiff conducted independent historical research and discovered many documents in Lithuania archives which do show this person's close collaboration in the persecution and extermination of Lithuanian residents (especially Jews), and also this person's authority as commander of the LAF to issue orders to armed people subordinate to him (LAF volunteers) and groups of such people.

The plaintiff repeatedly attempted to communicate with the defendant asking for explanations of the facts contained in the latter's historical findings. The defendant declined dialogue. Answers were extracted by making complaints to the parliamentary ombudsman who required the defendant to provide the information requested.

The plaintiff disagreed with the arguments Noreika hadn't taken part in the Holocaust presented in the findings of history and in June of 2018 made a complaint to the defendant which demanded changing the findings and presenting objective information about Jonas Noreika. In the complaint the plaintiff cited known sources and historical documents, and presented exhaustive arguments regarding Jonas Noreika's activities from 1941 to 1943 in the Lithuanian Activist Front and the Lithuanian Nationalist Party, activities directed against Lithuanian citizens, namely, Jews.

The defendant in its reply of July 23, 2018, to the plaintiff's complaint published the answer intended for the plaintiff publicly on its website, www.genocid.lt (at the URL <http://genocid.lt/centras/lt/2969/a>), but didn't publish the defendant's own complaint, and likewise failed to address even one of the approximately 40 historical documents on Jonas Noreika's activities presented by the plaintiff.

The defendant stated in the heading to this publication: "We are publishing the Center's response to Lithuanian citizen G. A. Gochin's '69-page study' of Jonas Noreika. We point your attention to the fact the Center has been replying to G. A. Gochin's accusations for several years now, accusations which have only grown stronger and more broad.

"G. A. G. [sic] Gochin's 'study' on Noreika, failing to present real evidence, possibly in violation of the Lithuanian constitution and the Lithuanian criminal code, accuses many people: Juozas Brazaitis ... Viktoras Ašmenskas."

2. Jurisdiction

The plaintiff made a complaint against the illegal and offensive actions of the defendant to the Vilnius District Administrative Court, but the court in case no. el-534-281-2019 on March 27, 2019,¹ rejected the complaint and did not address the findings of history. The Lithuanian Supreme Administrative Court in its finding of April 1, 2020, in case no. eA-1768-624/2020 found the defendant's demand for annulment of the historical findings at issue did not fall within the jurisdiction of the administrative courts.

Page 30 of the court's finding said: the Genocide Research Center is a state agency carrying out activity which is both public administration (recognition of the legal status of freedom fighters and victims of genocide and caring for them) and not public administration (for example, research in the areas and time-periods defined).

Page 31 of the court's finding said: the plaintiff's address which is not connected with the Center's activities which are considered public administration should be considered neither a complaint nor a request in the sense of the Law on Public Administration.

Based on the explanation by the Lithuanian Supreme Administrative Court in case eA-1768-624/2020, the conclusion must be drawn that the issues over the defendant's actions which don't fall within the sphere of public administration should be solved by a court of general competency, by trial, according to the rules of civil process. Therefore the claim for redress of non-financial damage, i.e., for annulling the historical findings in question, is being made according to where the defendant resides, to the Vilnius City District Court.

3. Right to Make Claim

The plaintiff's grandfather Shmuel (Samuel) Gochin hails from Papilė (Šiauliai district) in 1902.² During World War I he was deported to Siberia. In 1919 Gochin returned to Lithuania. In 1925 he performed compulsory military service in the Lithuanian military. At the age of 25 he emigrated to South Africa. Other members of the family emigrated with him. These facts were stated in the July 21, 2011, decision by the Lithuanian Supreme Administrative Court for the restoration of Lithuanian citizenship for Grant Gochin in case no. A822-2124-2011.

His grandfather's brother Mones Gochin and the latter's wife Sheina, daughters Leya, Rakhael, Tsile, Mashe and Sara and sons Samuel, Abe, Yakov, Yosel and Shmerl³ (citizens of the Republic of Lithuania⁴) were also deported, returned to Lithuania in 1921 and remained resident in Papilė during World War II. According to the information available, they suffered a tragic fate and died in the Šiauliai district during the Holocaust (they were murdered July 7 and 18 and October 2 in the Žagarė ghetto).

The Holocaust directly affected the plaintiff's family. The mass murder of Jews in the Telšiai and Šiauliai districts administered by Jonas Noreika concluded the Gochin family's history of 600 years of life in Lithuania.

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² Lithuanian Central State Archive F-412 In. 13, B6L863 Composition of family of Shmuel Gochin

³ Lithuanian Central State Archive F. 412, In. 13 B. 13 L. 242.

⁴ Lithuanian Central State Archive F. 412 In. 12 B. 67 L. 225 Internal passport no. 623696 issued January 2, 1922, to Mones Gochin and 6 family members

The defendant's findings and publications on Jonas Noreika insult the plaintiff, the heir and representative of the Gochin family. The public is being presented an unobjective and mendacious picture of the actions of Jonas Noreika. This belittles the memory of the plaintiff's loved ones and impugns the dignity of the plaintiff.

The family of the plaintiff's grandfather was murdered in a district headed by Jonas Noreika and the plaintiff therefore does have foundation and standing for demanding the defendant annul the illegal historical findings and thus remedy the harm being done.

4. Illegal actions

4.1. Applicable law

The Lithuanian Law on the Center for the Study of the Genocide and Resistance of Residents of Lithuania provides that the main tasks for this institution are: research on the physical and spiritual genocide of Lithuanian residents committed by the occupational regimes from 1939 to 1990 and the restoration of historical truth and justice (article 4 of the law).

In carrying out these tasks the agency does the following:

- Collects, compiles, systematizes and summarizes material on the crimes committed by the occupational regimes and reveals the criminal nature of the totalitarian regimes and of the system of genocide and other crimes against humanity and war crimes (article 5, subsection 2);
- Publishes academic, informational and analytical material, publishes publications on the genocide and resistance of Lithuanian residents to the occupational regimes (article 5, subsection 4);
- Studies archival material and provides information to corporate and real people on ... volunteer soldiers and freedom fighters (article 5, subsection 9).

According to Lithuanian Supreme Administrative Court jurisprudence, in case eA-1768-624/2020, the above-listed functions and tasks of the defendant's agency do not fall under administrative law nor the jurisdiction of the administrative courts. In consequence of that the conclusion should be made that the defendant's agency in carrying out these functions and tasks is not considered subject to public administration but rather to civil relations, and in this area is subject to the application of the laws defining civil accountability, first of all the civil code, the Law on the Provision of Information to the Public and the code of journalistic ethics.

Points 1, 2 and 4 of subsection 11 of article 22 of the Law on the Provision of Information to the Public provides that information published by state enterprises:

1. may not distort true and unbiased information and opinions and be used for selfish purposes. Public information is not compatible with media campaigns with preset views or which satisfy group or political interests;
2. must be objective and unbiased, presenting as many points of view as possible on disputed issues of politics, economics or other social issues;
4. must not proclaim unfounded, unverified accusations without factual basis (or, on the contrary, these sorts of justifications).

Article 19, subsection 2 of the Law on the Provision of Information to the Public prohibits spreading disinformation.

Article 43 of the Law on the Provision of Information to the Public provides that the ethical standards to which providers, publishers and reporters of public information must adhere are set by the Code of Ethics, the Council of Europe Parliamentary Assembly's resolution "On Journalistic Ethics" and this law.

Article 51 of the Law on the Provision of Information to the Public provides preparers and distributors of public information must answer for violations of this and other laws regulating the provision of information to the public.

Article 6.246 of the civil code determines civil liability arises through failure to perform duties defined in law or by contract, or by performing actions which are prohibited by law or contract (illegal activities), or through violation of the general duty to behave conscientiously and carefully.

Article 6.250 of the civil code defines that non-monetary damage is a person's physical pain, spiritual suffering, discomfort, spiritual upset, emotional depression, degradation, worsening of reputation, reduction in ability to communicate and other things, assessed by the court monetarily.

Article 6.263 of the civil code states every person has the duty to adhere to rules of behavior such that through his actions (action, non-action) he does not do harm to another person. Damage done to the person, property and, in cases defined by law, non-monetary damage must be repaid in full by the person responsible.

4.2. Illegality of the historical findings (summary of illegal activities)

In the defendant's reply of February 11, 2020, to the plaintiff's complaint on the historical finding of December 17, 2019, on Jonas Noreika's activities in the anti-Nazi underground it says "this finding is a continuing document by the Center following from earlier (2015, 2017 and March 27, 2019) findings by the Center on Jonas Noreika's activities and that is indicated in the following writings from the Center: the March 27, 2019, text mentions the 2017 finding, and the December 17, 2019, writing cites the explanations of March 27, 2019."

One is given to understand from the defendant's statements that an on-going study is being conducted and the finding about Jonas Noreika's leadership in rescuing Jews in the Šiauliai district is a component part and, together with earlier findings on Jonas Noreika, constitutes an integral research document, i.e., the publications on Jonas Noreika of March of 2017 and December of 2019 are a single document of separate parts. In light of that, the historical findings can be judged as a single document, with the exception that the December 17, 2019, finding on activities in the anti-Nazi underground were prepared in a contrary direction; it examines Jonas Noreika's role in saving rather than exterminating Jews.

It appears the historical findings do not contradict one another; they unanimously deny Jonas Noreika's participating in the Holocaust and proclaim he directed the rescue of Jews in the Šiauliai district. These findings are illegal, violating the prohibitions and empirical requirements of the Law on the Provision of Information to the Public. Below are general arguments

characterizing the illegality of the findings, and specific cases will be discussed in more detail in a later section.

The historical findings published by the defendant are not objective and incomplete.

The defendant assesses the events and Jonas Noreika's actions disjointedly, rejecting and completing failing to address relevant facts and his personal relationships. The findings do not reflect the general totality of facts and circumstances in which Jonas Noreika operated and they do not address Jonas Noreika's ties with other members of the LAF and LNP. This assessment of disjointed facts and the suppression of important facts creates a distorted picture of Jonas Noreika where Jonas Noreika is portrayed as a common civilian civil servant who carried out orders from the Nazi regime without any knowledge or understanding who signed up LAF volunteers and took part in town celebrations.

The defendant omits the fact all of the Jews of Plungė and Telšiai were isolated in ghettos from the very first days of the Wehrmacht's entry and that all of Jonas Noreika's colleagues in the Telšiai district were local administration officials, police and LAF volunteers who actively took part in the theft of the property of the citizens put in isolation. The defendant suppresses the evidence that there were only a few German soldiers on the eve of the mass murder of the Jews of Plungė and Telšiai and that to this day it is not known who was responsible for these mass murder operations, not even to the Germans themselves (Einzattgruppe 2A of Riga is assigned responsibility formally, but only formally). These facts and circumstances go unmentioned but are extremely important in trying to determine objectively and come up with a picture of any value of Noreika's status in Plungė in the summer of 1941, later in Telšiai and finally in Šiauliai.

The defendant is biased in how it interprets the historical facts. Repeatedly using the same semantic evasions ("there is no information," "couldn't have ordered," "couldn't have known," "couldn't have carried out such functions," "was drawn into"), the defendant builds out of subjective interpretation and speculation a portrait based solely on a methodology of rejection. The defendant uses these grammatical forms to justify what are possibly criminal acts by Jonas Noreika (for example, "he couldn't have given orders to shoot"), but these justifications are without foundation.

In order to create the portrait of Jonas Noreika they desire, the defendant fails to cite even one historical document on Noreika presented by the defendant. There is not a hint of Noreika's own orders on sending or not sending people of Jewish ethnicity to the ghetto in Žagarė, nor on the reports from the burgermeisters stating there were no Jews left in the countryside for sending to the ghetto in Žagarė because all of them had been shot, nor of the Žagarė burgermeister's report which witnesses to the fact that he was appointed and received all orders during the establishment of the ghetto there from Noreika personally, although he was removed from the post by the Nazis two months later (immediately after the last ghetto inmate was murdered). These facts are accessible in the documents and Lithuania's public archives and are presented to the court for its inspection in this case. In light of these documents, the defendant's arguments as to whether Jonas Noreika could or could not have, knew / didn't know, understood / didn't understand the purpose of the ghettos, appear unacademic, unfounded and unobjective.

The defendant's historical findings are based on unreliable sources. The defendant only uses carefully-selected documents in its historical findings, claiming "there is no reliable information" on Jonas Noreika's criminal connections and actions. These findings frequently fail

to indicate sources at all and instead limit themselves to assertions such as "there is information that" or "historical studies show."

The defendant essentially uses for its research KGB case files and Soviet court martial cases. The defendant uses testimony extracted by force (or under threat of violence) to prepare its historical findings but doesn't make use of witness testimonies nor of official orders, instructions and communiqués signed by Jonas Noreika. The defendant doesn't use primary sources or accessible historical sources, or rejects them, while claiming "**the Center has examined Jonas Noreika's activities exhaustively;**" "**based on an examination of all archival documents available at this time.**" The documents are not cited, as if they don't exist. In many cases primary sources (for example, documents signed by Jonas Noreika) testify to his personal enthusiasm as leader, his influence in the LAF and his authority to dispose freely of the property and lives of people.

The defendant's historical findings are disinformation. The historical findings on Jonas Noreika's activities claim that:

"**The Center has studied exhaustively Jonas Noreika's activity** during the German and Soviet occupations;"

"In summary we can say **Jonas Noreika did not participate in mass murder operations against the Jews in the Telšiai and Šiauliai districts** during the period of the German occupation;"

"**No information was discovered** in the archival documents and works by historians examined, **not even hints**, that Noreika participated in the mass extermination operations against Jews in the Šiauliai district"

This is false information and Holocaust denial. This case will present direct and indirect evidence testifying to Jonas Noreika's participation in and contribution to the Holocaust, and especially important are the testimony of the burgermeister of Žagarė showing he only followed the personal orders of Jonas Noreika during the operation of the ghetto there, Noreika's written orders on the transport of the Jews of Tryškiai, permission for allowing dental equipment to remain for two weeks in Joniškis and Noreika's testimony on payments to volunteers from Šiauliai for the time-period when the Žagarė ghetto was being liquidated. These documents more than just hint at his culpability in Holocaust crimes.

Nonetheless, in the defendant's finding/publication of March 27, 2019, the 9th chapter says that all of the documents provided by Grant Gochin in 2018 (which are also being presented to this court) "**were essentially known to the Center, and among them are no new arguments of weight** providing a basis for changing the Center's finding of 2015."

The defendant's historical findings are not academic. The defendant's historical findings are highly disjointed and fail to discuss the whole, but do examine separate, brief specific periods of history. This is not the method of scholarly discovery where the field of activity, operative factors and agents are determined and where examination of their roles and these factors leads to establishing what might have been the truth. The defendant in examining Jonas Noreika's activity in Žemaitija adopts as a template for comparison the prevailing metropolitan order in Kaunas and Vilnius, generalized models of Nazi activities and known orders. The subjects of inquiry are [the small rural towns of] Telšiai and Plungė where, the documents demonstrate, conditions were different, where LAF volunteers and police officials did not carry off the items of

interior decoration of Jews being sent to the ghetto to municipal storehouses. In the countryside of Žemaitija armed LAF activists had more freedom of action and less supervision than in Vilnius and Kaunas. For these reasons the defendant's model of comparative historical analysis in this situation is applied erroneously and fails to reveal Jonas Noreika's circle of interests, theater of action and specific activities.

It's important to point out that the defendant's employee Dalius Stančikas who is a geologist by training is composing historical findings on Jonas Noreika in the name of the Republic of Lithuania.

In summary we can say with confidence the defendant in publishing these historical findings has violated points 1, 2 and 4 of article 22 and article 19 of the Law on the Provision of Information to the Public. In publishing as reliable information which in fact is baseless and false, the defendant has violated its duty defined in article 4 of the Law on the Center for the Study of the Genocide and Resistance of Residents of Lithuania, namely, to restore historical truth and justice.

4.3. Illegal explanation of the concept of culpability in the crime of genocide

The defendant explains the concept of culpability in the crime of genocide exclusively as that of the direct executor (shooter or organizer). Notable academics performing research in the field of the Lithuanian Holocaust, i.e., the International Commission for Assessing the Crimes of the Nazi and Soviet Occupational Regimes in Lithuania, categorically disagree with the defendant's historical findings and this assessment of participation in genocide. The Commission in its April 10, 2019, public reply to the defendant's finding of March 27, 2019, on the activities of Jonas Noreika (appendix no. 39) wrote (cit:) :

"We cannot comprehend why the Center is defending the openly racist and fascist political group the Lithuanian Nationalist Party whose members in police units were among the most active persecutors and murderers of Jews."

"On August 22 and on September 10 of 1941 Jonas Noreika, based on orders from Hans Gewecke, appointed by the Germans commissar of the Šiauliai military district, issued orders for the removal of the Jews of the military district to ghettos and for the seizure of their property. ... Almost all of the victims arrested under these orders were later murdered. This is the historical reality based on undisputed documentary proof. If this isn't participation in the process of genocide against Jewish citizens of Lithuania, then what is it?"

The International Law Commission (ILC) of the United Nations has proclaimed that "separate criminal acts of genocide are by their nature conscious, intentional or volitional actions which the person customarily cannot commit without understanding they most likely will lead to the corresponding consequences. These are not the type of actions which could happen accidentally or even as the result of carelessness.⁵ The crime of genocide requires information about the final goal, not information about each and every detail in the policy or planning of genocide. It is considered the subordinate knows the plans of his superiors when he receives orders to commit prohibited actions against people who belong to a specific group."⁶

⁵ UN Draft Code of Crimes against Peace and the Security of Mankind, http://legal.un.org/ilc/texts/instruments/english/commentaries/7_4_1996.pdf , article 17.

⁶ *Ibid.*, article 18.

The practice of the Lithuanian courts in genocide cases is clear and unambivalent. Determination of a person's culpability in the crime of genocide is based on the Nuremberg International Military Tribunal's findings of 1945 which, "as the UN General Assembly recognized in its resolution are principles of international law and are recognized as part of general (common) international law."⁷ **The principles of responsibility for war crimes formulated in the Nuremberg Tribunal's findings apply directly in Lithuanian jurisprudence.**

In a case on the deportation of Lithuanian residents during the period of Soviet occupation "the court decided the following of orders cannot be considered a circumstance mitigating responsibility because the carrying out of an illegal order does not dismiss from criminal accountability either the person who gave or the person who carried out the order. ... Article 8 of the regulations states the person who has committed them is not relieved from responsibility for war crimes, crimes against the peace and crimes against humanity. The court finds the accused was a healthy person of sound mind, and the actions of such people are always motivated, controlled and governed by their psyche, they understand the meaning of the actions carried out. The choice by the accused to connect his action with a criminal organization, participation in a criminal organization which carries out crimes against humanity, also shows, in the opinion of the collegium, the direction of intentions by the accused, that he chose to serve the occupying power, to carry out its orders, and also to take part in the deportation of civilians by his own free will, understanding the danger of this criminal action."⁸

In the finding by the Lithuanian appellate court of January 9, 2009, in criminal case no. 1A-21/2009 the court ruled that "although it wasn't determined in the case whether the accused had murdered one of the aforementioned people, he did participate in operations organized by the MGB and sought to exterminate people belonging to a political group, and therefore any participation by the accused in the commission of these sorts of acts is considered as joint commission rather than aiding and abetting. That the accused didn't murder anyone might have significance in sentencing or in selecting the type of punishment."

Based on the case law and jurisprudence described above, the conclusions must be that the conscious carrying out of criminal orders is considered participation in genocide. In the opinion of the International Commission of historians, all of Jonas Noreika's actions in connection with the establishment and administration of the ghetto in Žagarė are participation in the Holocaust.

By denying Jonas Noreika's culpability in the Holocaust in its historical findings, the defendant is denying publicly the Holocaust, i.e., is formally committing the crime defined in article 170 2 of the criminal code.

4.4. Degradation of the plaintiff's personal honor and dignity

The defendant published a finding on Jonas Noreika on March 27, 2019, and section 9 of the finding presented the following sort of text:⁹

"It is the Center's opinion G. A. Gochin's study should be adjudged as an attempt provide foundation to the recollections of one witness (Aleksandras Pakalniškis) which isn't confirmed by other sources and as the copying of Nazi propaganda assigning responsibility for the Holocaust

⁷ cit. Lithuanian appellate court finding of June 20, 2008, in criminal case no. 1A-209/2008.

⁸ *Op cit.*

⁹ http://genocid.lt/UserFiles/File/Titulinis/2019/20190327_noreika.pdf

to Lithuanians instead of Germans. The documents he presented were in essence known to the Center and among them there is no new arguments of weight which could provide a basis for changing the Center's finding of 2015.

"G. A. Gochin's study cannot be considered objective or academic for the following reasons:

"-- G. A. Gochin does not apply historical or internal critical analysis to the historical sources he presents and doesn't assess their reliability;

"-- G. A. Gochin selected documents based not on objective criteria, but in the attempt to give foundation to preconceived attitudes;

"-- G. A. Gochin looks at single separate documents without trying to reconcile them with the totality of other archival documents, known facts, testimonies and facts, thus ignoring the general historiographic context required for academic investigation;

"-- The summarizing conclusions G. A. Gochin presents clearly contradict some of the documents he himself presents;

"-- Some of G. A. Gochin's statements are possibly in violation of the articles of the constitution of the Republic of Lithuania and the universally accepted presumption of innocence."

The statements of the publication/finding which were indicated are not connected with historiography research, this is the public, baseless defamation and condemnation of the person of the plaintiff because he went to court with a complaint. The plaintiff's actions are equated with Nazi propaganda. These actions are in violation of point 4, subsection 11, article 11 of the Law on the Provision of Information to the Public which prohibits publishing unfounded accusations.

5. Guilt

According to article 6.248 of the civil code, guilt is the measure by which the extent of responsibility for illegal actions is determined. The guilt of the violator may be intentional or the result of carelessness. According to the practice of the courts, gross carelessness is equivalent to intentional actions.

In order to decide upon the defendant's guilt in publicizing illegal historical findings, it's important to take into consideration the defendant's behavior over time. The defendant avoided communicating with the plaintiff and failed to reply to written questions from the plaintiff.

Following the plaintiff's first appeal to the defendant attempting to open a dialogue and publicly dispel gaps in knowledge concerning Jonas Noreika's actions during World War II, the director of the defendant organization posted the following item on the facebook social media webpage on November 16, 2015 (appendix no. 43):

"Neighbors from the East are organizing the desecration of Lithuanian patriots. They are being aided not just by some Jews, but many Lithuanians as well: their names appear under petitions to revoke an award, remove a commemorative plaque and in libelous articles in the press... Some of them are doing this intentionally, others out of foolishness."

Attempting to receive explanations on the veracity of the Jonas Noreika historical findings without going to court, the plaintiff appealed to the Lithuanian parliamentary ombudsman in

March of 2017, October of 2017 and September of 2019. The defendant did not respond to queries directly.

After the plaintiff performed historical research himself and filed a complaint in June, 2018, for changing the [Center's] historical findings, the defendant in July of 2018 published a reply on its official website at the URL <http://genocid.lt/centras/lt/2969/a/>, publicizing its answer intended for the plaintiff.¹⁰ It states:

"In his latest writings sent to the Center regarding Kazys Škirpa and Jonas Noreika, G. A. G. [sic] Gochin reveals the essence of his 'research': attempting to prove it was Lithuanians rather than Nazis who began the Holocaust (4, 5, 25 and other replies).

"G. A. G. [sic] Gochin in his 'study' on Noreika, without providing any evidence of weight, possibly in violation of the Lithuanian constitution and the Lithuanian criminal code, accuses many people:

"Attempting to belittle Jonas Noreika and other Lithuanians who were imprisoned at the Stutthof concentration camp, G. A. Gochin in his 'study' explains they weren't oppressed there, their activities weren't investigated, they allegedly were imprisoned there only as 'hostages from the Lithuanian nation' (reply no. 11)."

On March 8, 2019, the defendant as a state institution printed a publication on the media outlet delfi.lt under the title "The Genocide Research Center Won't Give In to Vulgar Pressure."¹¹ Statements degrading to the plaintiff and false information were presented in the publication, quoted here:

"Numerous times the Center has patiently and exhaustively explained the results of our research, attempting to turn this attack into civilized historical dialogue characteristic of Western democracies, but the movement founded by US-resident Lithuanian citizen G. A. Gochin adheres to the principle that a lie repeated many times will be accepted as truth, and that statements which fundamentally contradict the facts recognized in international historiography (for example, that the Lithuanians allegedly invented and began the Holocaust, not the Germans) will become an academic foundation."

On March 27, 2019, the defendant published on its webpage a finding on Jonas Noreika.¹² Section 9 presented the following text:

"In the Center's opinion, G. A. Gochin's study should be assessed as an attempt to provide foundation for the recollections of one witness (Aleksandras Pakalniškis) not confirmed by other sources and as copying Nazi propaganda by assigning blame for the Holocaust in Lithuania to Lithuanians rather than Germans. The documents he presented to the Center were essentially already known and among them there are no new arguments of weight providing a basis for changing the Center's finding of 2015."

On December 27, 2019, the webpage of Lithuanian public radio LRT carried the publication "Genocide Center Director: History Education Not Important, Belief in Research Results Is"

¹⁰ http://genocid.lt/UserFiles/File/Titulinis/2018/20180719_noreika.pdf

¹¹ <https://www.delfi.lt/news/ringas/politics/lggrtc-genocido-tyrimo-centras-nepasiduos-vulgariam-spaudimui.d?id=80566671>

¹² http://genocid.lt/UserFiles/User/Titulinis/2019/20190327_noreika.pdf

which presented false information about a court decision.¹³ During Mindaugas Jackevičius's LRT radio program Aktualijų studija [Current Events Studio] the director of the defendant organization said the following words which were later published in written form in Lithuanian and English. Quoting the director's words, the text read:

"According to her, 'it still hasn't happened that our (Genocide Center--LRT.lt) conclusions or findings were denied.' 'We know that one finding on Noreika was taken to administrative court,' the head of the Center for the Study of the Genocide and Resistance of Residents of Lithuania said, 'but the Vilnius Administrative Court found the findings were made based on academic methodology.'"

It's noteworthy that in the Vilnius District Administrative Court's decision which came into force on March 27, 2019, in case no. el-534-281/2019, the historical findings prepared by the defendant weren't considered, the court did not find them academic, and the court's finding didn't even mention them.

The above-listed actions by the defendant in the period from 2015 to 2020 show the defendant made conscious efforts to defend the illegal historical findings, consciously denied Jonas Noreika's possible involvement in the Holocaust and both directly and indirectly libeled and slandered the complainant without basis. These actions show the defendant operated with direct intention, knowing the negative consequences of its actions and aspiring to these consequences. The defendant attempted to defend its own illegal findings by slinging unfair, abstract and unfounded allegations in public.

6. Non-monetary damages

The existing historical findings are illegal. They don't include active and intentional criminal actions by Jonas Noreika. The distorted information being presented to the public insults the plaintiff. The plaintiff's family was murdered in the Žagarė ghetto in the district under Jonas Noreika's command. Jonas Noreika signed the order for the isolation of the Jews of the Šiauliai district (including Papilė) and during the operation of the ghetto he assigned the burgermeister, and according to the burgermeister's testimony Noreika personally commanded him. In a letter in 1942, Noreika personally confirmed to the municipality that the soldiers under the Šiauliai headquarters were paid their salaries for the period during which the Žagarė ghetto was liquidated [i.e., when the Jews there were shot].

The fact the defendant remains silent about and denies Jonas Noreika's contribution to the Holocaust in Telšiai, Plungė and the Šiauliai district causes the plaintiff negative emotions and unpleasant suffering. The publication of false information about Jonas Noreika demeans the plaintiff's dignity. The public condemnation of the plaintiff's activities (by a state institution) demeans the plaintiff's dignity.

The plaintiff grew up with his grandfather and listened to his stories about the land of their forefathers and the loss of their family. His grandfather suffered greatly over the loss of their ancestral home and the death of his brother and his brother's family, and suffered chronic heart disease.

¹³ <https://www.lrt.lt/naujienos/lietuvoje/2/1128465/genocido-centro-vadove-svarbu-ne-istorinis-issilavinimas-o-tiketi-tyrimu-rezultatais>

The plaintiff's family was exterminated in territory administered by Jonas Noreika. Documents and testimonies exist which testify to Jonas Noreika's culpability in the Holocaust. The defendant, a state institution charged by law with investigation and preparing publications on the topic of the genocide of residents of Lithuania in the 20th century, doesn't present these documents and makes no comment on them.

The defendant actively denies Jonas Noreika's contribution to the Holocaust, preparing ever new historical findings for the public which contain, instead of an objective consideration of the evidence on Jonas Noreika's Nazi collaboration, information of a general nature which with the aid of abstract arguments assigns guilt for the death of the Jews in Žemaitija to the Nazis, and even "stretches" Jonas Noreika into a rescuer of Jews.

The defendant's historical publications deny Jonas Noreika's participation in the Holocaust in Lithuania and the plaintiff's arguments and submitted documents confirm the defendant's publications are illegal and do not conform the requirements set down in law. These illegal actions by the defendant have a direct causal relationship with the negative suffering experienced by plaintiff. The historical finding of March 27, 2019, directly insults and demeans the plaintiff's person, thereby increasing the negative sufferings and emotional discomfort experienced by the plaintiff. Despite the plaintiff's requests and complaints as well as the public statement by the International Commission of historians for judging genocide crimes (www.komisija.lt) (appendix no. 40), the defendant has, so far, taken no actions to revise its publications.

In order to insure that the non-monetary remedy of damages for the spiritual and physical pain suffered by the victim is as compensating as possible while at the same time adhering to the principles of equality before the law and proportionality, the nature and the specific character of the value being violated is considered one of the main factors and an objective criterion to be taken into account in determining the negative effects of a non-monetary nature caused by the violation of law to the suffering party (Lithuanian Administrative Court finding of October 13, 2009, in case no. 3K-3-416/09.)

The harm suffered by the plaintiff cannot be assessed monetarily. The source of the damage is the historical findings publicly accessible in the official state domain which deny the Holocaust and demean the plaintiff's person. These findings desecrate the memory of the plaintiff's relatives who died in the Šiauliai district during the carrying out of the Holocaust, cause suffering to the plaintiff and demean his dignity. These are sound reasons for the plaintiff to demand the on-going harm be halted by the court and that measures be taken to keep it from happening in the future. The plaintiff does not see any rational way to remedy the harm other than to ask the court to recognize these historical findings as illicit and illegal, and therefore have them removed from public access controlled by the defendant (www.genocid.lt).

Recompense for emotional damages provided for in law is not the appropriate remedy in this case. If the illegal historical findings are not annulled, the dispute won't be solved definitively. If monetary damages determined fair by the court were paid (if there were such a request), the defendant's illegal historical findings would remain the source of spiritual suffering by the plaintiff and emotional damage will be done, while the plaintiff will be prevented in the future from approaching the court over the same matter. These circumstances mean the necessity of compensating moral damages is to be accomplished by removing these historical findings from public access. Thus removing the factors causing emotional damage because of the defendant's illegal actions and closing the way for the appearance of such damage in the future.

Civil code law doesn't provide for compensating moral damages non-monetarily, but article 6.250 of the civil code, if applied to the letter of the law, would restrict the court's ability to administer justice by following the letter of the law, and real justice would not be done (Law on the Courts, article 1).

The right to compensation for material and moral damage done is set out in the paramount law of the land, the constitution, in article 30, subsection 2. The Constitutional Court in its verdict of August 19, 2006, provided an explanation of the goals and application of this position in the constitution, stating:

"The necessity of compensating material and moral damage done to the person is a constitutional principle which cannot be divorced from the principle of justice, and the person has the right under the constitution to demand compensation for damages, and in cases where there is no corresponding case for compensation for damages in law, the courts according to their competency hearing such cases have the constitutional authority to levy the corresponding compensation for damages by applying directly the constitution (the principles of justice, legal certitude and legal protection, proportionality, appropriate due process, equality before the law, protection of just expectations and other articles of the constitution) and general principles of law, based *inter alia* on the principle of rationality and others."

In a November 29, 2010, finding, the Constitutional Court of the Republic of Lithuania explained: "... the legislature may not set legal regulation such that preconditions are set for a situation in which the person who has suffered damages, inter alia moral, is unable to receive just compensation for that damage..."

In light of the above, one should conclude the method for compensating damage prescribed by the plaintiff is not in violation of the constitution, that the direct application of constitutional principles is right and rational in this case, and that this means for compensating damages would cause the defendant the least negative consequences and corresponds to its abilities. The abolition of the illegal historical findings would not prohibit the defendant from preparing and publishing new findings conforming to the requirements of law and thus implement appropriately its task set forth in law, the restoration of historical justice.

7. Illegality of the 2015 historical findings

In the fourth section of the claim the plaintiff addresses in general terms the methodological flaws of the defendant's findings which are responsible for the illegality of the findings. Below are citations from the historical findings on Jonas Noreika from July and October of 2015. These is the official research on Jonas Noreika's activities presented by the state institution tasked with performing historical research. Later parts of this section present the plaintiff's counter-arguments to the defendant's arguments, testifying to the criminal activities of Jonas Noreika.

"Center historians have researched exhaustively Jonas Noreika's activity during the period of the German and Soviet occupation" (October, 2015, finding)

"Repeated and exhaustive studies perform by Center historians have not confirmed ... the statement in Antanas Pakalniškis's memoirs alleging Noreika was a participant in a Jewish extermination operation." (October, 2015)

"Center historians based on examination of possibly all archival documents currently available have determined that the facts of the events mentioned contradict the claims presented in Pakalniškis's memoirs." (October, 2015)

The Center in its publications indicates that **"there is no information that Noreika was connected with organizing or carrying out mass murder operations against the Jews,"** but in a letter addressed to the plaintiff on October 24, 2017, stated that, 16 years after its founding, the Center had "not investigated the activity of the Lithuanian Nationalist Party" but felt "this will be important to do in the future."

Commenting on Noreika's collaboration with the Nazi regime, Teresė Birutė Burauskaitė writes **"the isolation and mass murder of the Jews are not assessed as the same thing in historiography," "herding Jews into ghettos ... gave the Nazis the opportunity to move on to the murder of Jews, i.e., to exterminate them as an undesirable race,"** but that **"there is no information Noreika was connected with organizing or carrying out mass murder operations against the Jews"** (July, 2015, finding).

This sort of explanation of historical events presented in the Center's public findings distorts the objective truth and demonstrates a lack of ability to come to terms with Holocaust events. **It isn't clear, at what point in time did Lithuanian "historiography" began considering collaboration in the commission of genocide separately from crimes against humanity? It's impossible to consider the formation of ghettos and seizure of Jewish property separately from the mass murders, this is part of the crime called genocide.** Although the roles played might have differed, the actions were all directed at a single goal.

Despite the known facts showing that Noreika was connected with organizations known to have carried out the extermination of the Jewish people in the Šiauliai district (from August of 1941 to January of 1943), the Center in its finding maintains: **"It should be noted that he wasn't able to carry out these kinds of functions because the German occupational regime in organizing and carrying out operations to exterminate the Jews didn't make use of the Lithuanian civilian administration, but officers and officials from the police structures and the Self-Defense Battalion. Jonas Noreika was not an employee of the police structure but was the employee of a civilian agency and its head."** (July, 2015, finding)

"The third fact is that captain **Jonas Noreika couldn't have ordered the shooting of the Jews of Plungė on his own initiative** even if he had been a participant in that mass murder. Historical studies show employees of the Lithuanian police structures and members of the Auxiliary Police conducted operations to exterminate Jews--men, women and children--not as service tasks initiated by them but **in carrying out the orders from officials of the German Security Police and SD and other occupational agencies.**" (July, 2015)

"There is also information Noreika lived in Telšiai in July, 1941. There he commanded the Telšiai district LAF organization and took active part in public life. As commander of the local activists [LAF] headquarters he contributed to the legal prosecution of people who in 1940 and 1941 worked with the Soviet occupational regime." (October, 2015)

"In summary we can say in July of 1941 Jonas Noreika had service relationships with two agencies: the Telšiai LAF organization and the Plungė *kommandatura*." (October, 2015, finding)

"The second fact is that in cases against members of the former Auxiliary Police of Plungė and others arrested and convicted after the war, captain Jonas Noreika is not mentioned as a participant or organizer with the right to issue orders in the mass murder operation at Kaušėnai village. **During interrogation the arrestees said** the organizers of the mass murder operations were Germans ..." (July, 2015)

"In the cases mentioned here Noreika doesn't figure as the organizer or a participant in the mass murders at Kaušėnai village. **During interrogations the accused and witnesses testified the mass murder operation organizers were the Germans**, while Povilas Alimas and his aide Pabrėža were in charge of transportation and shooting at Kaušėnai (Lithuanian Special Archive, f. K-1, ap. 58, b. 6964/3, l. 18, 18 a. p., 24 a. p., 76 a. p., b. 15668/3, t. 1, 29, 56, 56 a. p.)."

"The research results laid out here allow us to say that **in July of 1941 the Nazi occupational government was not successful in drawing Jonas Noreika into the operation which took place in the Telšiai and Plungė districts to exterminate the Jews.**"

"In summary we can say that during the period of the German occupation **Jonas Noreika did not participate in mass extermination operations against the Jews in the Telšiai and Šiauliai districts**. Nonetheless, the Nazi occupational government **was successful, as it was with other officials from the Lithuanian civilian administration, in drawing him into managing affairs connected with the isolation of Jews.**" (October, 2015)

The interpretation and explanation of historical facts in the finding is not objective. All blame for the events of the Holocaust in Žemaitija in June and July of 1941 is placed on the Nazi occupational government. Furthermore, the historical finding without foundation rejects the testimony of witnesses and fails to address the facts recorded in documents which demonstrate the influence and authority Jonas Noreika had as commander of the Telšiai LAF, suppresses the facts concerning the social environment around Noreika, and fails to address the facts testifying to the involvement of Telšiai district agencies in isolating Jews, exploiting them as slave labor and seizing and distributing their property. The finding also remains silent on the facts and documents showing Jonas Noreika's collaboration with the Nazis as head of the Šiauliai district. The finding doesn't consider the crimes which were possibly committed against Lithuanian citizens and assigns all responsibility and initiative to the Nazi occupational government categorically and without objective foundation.

Jonas Noreika's granddaughter Silvia Foti has been studying documents in her grandfather's biography for many years. In an affidavit of March 25, 2018 (appendix no. 42), she contradicts the claims made by the defendant in its findings and calls the suppression of Jonas Noreika's role as Holocaust perpetrator is one of the greatest conspiracies of the 20th century in Lithuania.

7.1. LAF propaganda

The finding doesn't specify Jonas Noreika was a representative in Žemaitija of a political party which was in power until August 5, 1941. The finding fails to mention the fact the LAF political party in Telšiai published its own official newspaper called Žemaičių žemė [Land of the Žemaitians] from the beginning of July, 1941, to 1942, whose subtitle announced it "the newspaper of the Lithuanian Activist Front." According to the explanation the Telšiai curia

provided to the municipality, ¹⁴ at the end of June "the government" took over the printing press from the curia at the end of June, 1941, ¹⁵ while the Telšiai municipality provided tables for the state press.

According to the testimony of LAF member Vytautas Stonis, the LAF in Kaunas had its own headquarters, more than 100 people worked in its administration and it had military and propaganda departments. ¹⁶

The LAF newspaper Žemaičių žemė published openly anti-Semitic propaganda in its articles until August of 1941, ¹⁷ ¹⁸ and printed translations of Hitler's Mein Kampf in its July issues. ¹⁹ It's noteworthy this was the official newspaper of a political party which held power which propagated not the ideology and thinking of the Nazis but of a Lithuanian political organization. Political organizations which held power legally until August 5.

The evidence available shows that until the end of 1941 press censorship was either very weak or didn't exist at all in Žemaitija until the end of 1941 (unlike in Kaunas). If Žemaičių žemė had been censored by the Nazis, it wouldn't have been able to talk about Lithuania, Lithuanian independence, or about the Lithuanian Government and the LAF (see: Draugas issue for September 26, 1981, i5-8, article by N. Butautas about the publication of the newspaper Į Laisvę). This belief is bolstered by the excerpts presented below.

Žemaičių žemė no. 4

* "Everyone Must Work! We Are Rebuilding a Free, National Lithuania..."

* "We Have Only Regained Freedom through Work... A Free, Independent Lithuania Has Been Liberated through Struggle in the Telšiai District"

* "A Word from the Provisional Government of Independent Lithuania to the People"

Žemaičių žemė no. 6

* "Žemaitijans Express Joy. ... Telšiai district L. Activist Front Commander captain Noreika... Calls upon [the people] to maintain unity. rallying around the L. Activist Front. ... The resolution was signed by many of the members of the meeting and was sent to the Lithuanian Government.

* "And by the water" "because they, too, thirst for Lithuania's freedom and independence"

The second page of the newspaper Išlaisvintas Panevėžietis [Liberated Resident of Panevėžys] for August 16, 1941, announced: "The speech by authorized official L. Prapuolenis was read to Generalkommissar Dr. von Renteln," in which he aspired "to resurrect Lithuanian to new national life." It's worth noting this speech was delivered the day after the resignation of the Lithuanian Government. The evidence demonstrated censorship existed in name only or didn't exist at all in Žemaitija in the summer of 1941.

¹⁴ Appendix 5, 5.1, 5.2, Lithuanian Central State Archive-f1075-a2-b10-1108, b-10-186, b10-187

¹⁵ The LAF Government was in power in Lithuania until August 5, 1941.

¹⁶ Appendix no. 7 Lithuanian Communist Party-f3377-a55-b41-1107-119-Vytautas Stonis explanations of LAF structures

¹⁷ http://silviafoticom.files.wordpress.com/2018/09/zemaiciuzeme_1941.pdf

¹⁸ Especially Žemaičių žemė issues 4 and 5.

¹⁹ Appended.

The Center's historical finding doesn't take into consideration what influence LAF propaganda had, on the sentiments of the people of Žemaitija, on LAF volunteers and on their decision to exterminate their Jewish compatriots. But this is extremely important.

Although there is no direct evidence linking Jonas Noreika with the publication of Žemaičių žemė, as the head of the LAF political organization in Žemaitija Jonas Noreika couldn't have not known what was happening in his military district. Taking into account Jonas Noreika's proclivities for literary work²⁰ and his later activities in the Šiauliai district, it is highly credible that the publication of Žemaičių žemė was begun with his knowledge if not at his initiative with his support. It might seem coincidental, but the LAF newspaper bore the same name as the Žemaičių žemė delegation Jonas Noreika convened and directed (see below).

The Center's historical finding neither mentions nor explores this fact, but this is important in trying to judge Jonas Noreika's contribution to genocidal actions when the LAF government was in power.

7.2. Mass murder of the Jews of Plungė

Taking into account the facts discussed and the documents indicated, it's noteworthy that the Nazis couldn't have had much influence in deciding the fate of the 1,800 Jews of Plungė. Archival documents²¹ and eye-witnesses²² indicate there were few German soldiers in Telšiai at the beginning of July. There were a few German soldiers at the German military *kommandatura*. One must understand these were not SS nor SD officers, but Wehrmacht soldiers. The soldiers of the Wehrmacht were not tasked with the concentration, isolation and murder of Jews.

According to A. Pakalniškis's testimony, there was a *kommandatura* in Plungė. P. Alimas replaced Jonas Noreika as commandant after 2 days. The young captain Jonas Noreika later worked in a different part of the same building, at the LAF headquarters, recruiting volunteers. All of this took place across the street from a synagogue in which at that time and for two weeks all the Jews of Plungė were imprisoned.

The Center's historical finding doesn't mention this fact. The finding rejects Pakalniškis's testimony for no good reason, testimony to the effect Jonas Noreika verbally ordered the shooting of all the Jews held in the synagogue. Pakalniškis's recollections were rejected in favor of testimony elicited under the coercion of Soviet occupational power structures (presumably during brutal interrogation) where the perpetrators of the mass murder claimed "they told us the organizers of the mass murders were the Germans, but at Kaušėnai it was Povilas Alimas and his aide Pabrėža who were in command of the transporting and the shooting."²³ This could be true, but there is no other information about who issued orders for the Jews of Plungė to be removed from their homes, locked in synagogue and then, after two weeks, for them to be shot, except for Pakalniškis's testimony.

²⁰ In his brochure called "Raise Your Head High, Lithuanian" published in 1933, Jonas Noreika examined Lithuanian economic and cultural decline and declared Jews the main cause of failure.

²¹ Appendices nos. 12,12.1, 12.2

²² Testimony of A. Pakalniškis, testimony of Zenonas Ivinskis

²³ Lithuanian Special Archive, f. K-1, ap. 58, b. 6964/3, l. 18, 18 a. p., 76 a. p., b. 15668/3, t. 1, 29, 56, 56 a. p.

The Center's historical findings omit the fact reported by Pakalniškis that P. Alimas's office door was right next to that of Jonas Noreika. The historical findings fail to mention the fact Jonas Noreika was the head of the LAF Government in Kaunas for Žemaitija and that when the ghetto inmates were being executed it was Jonas Noreika who was the highest-ranking official of the legitimate political government in Plungė.

The historical finding fails to take into account that issue no. 5 of Žemaičių žemė announced Jonas Noreika had convened on July 20 and was the head of the Žemaičių žemė delegation to congratulate the LAF government in Kaunas. Telšiai LAF commander Noreika was the head of a delegation which was constituted of: "Telšiai district police chief Bronius Juodikis who was Noreika's deputy as commander of the Telšiai LAF and who was later accused as one of the commanders of the mass murder of the Jews of Telšiai; Telšiai district chief Ramanauskas; Telšiai TDA commander major Svilas; Plungė LAF commander and TDA commander lieutenant Alimas; Telšiai district hospital director Dr. Plechavičius; and Jurkus, director of the Telšiai branch of the Bank of Lithuania."²⁴

If Jonas Noreika directed these people on political questions, then he had acquired authority and their confidence in July of 1941. Therefore it is reasonable to consider whether Noreika was in command of Alimas and the others and issued orders for the isolation, transport and murder of the Jews of Plungė.

The Center's finding says *Noreika wasn't able to issue orders for the shooting of the Jews of Plungė on his own initiative because the personnel of the Lithuanian police structures who participated in operations to exterminate the Jews were agents subordinate to the German security police and SD officials who carried out their orders, i.e., were in a strictly subordinate position.* This opinion held by the Center is without foundation.

This is just a blanket postulation formed without taking into consideration and without specifying the evidence and confirmed facts of Jonas Noreika's activity in Plungė, testifying to the actual situation in Plungė in July of 1941.

It's significant the Plungė Tourism and Information Center's publication "Jewish Paths in Plungė" (appendix no. 42) on page 18 says "Leib Orlianski's home (at Tumo Vaižganto street no. 9 in Plungė) stood next to both synagogues. White arm-banders seized the house with all its furniture in 1941. City commandant Jonas Noreika, General Storm, lived here. **He was the organizer of the extermination of the Jews.**"

The defendant didn't mention this fact in its findings, didn't indicate Jonas Noreika lived in a house he decided to seize and occupy, right across the street from two synagogues where all the Jews of Plungė were stuffed for two weeks, including Leib Orlianski and his family. There were 1,800 people condemned to death just beyond Jonas Noreika's window, but the defendant has no information about this. Nonetheless the residents of Plungė know this and have made it public.

7.3. Activity as Commander of the Telšiai LAF

The Center's finding fails to mention the fact Jonas Noreika lived in Telšiai in July of 1941, where there was the Telšiai LAF headquarters. It's known Noreika lived in a Jewish home on

²⁴ "Karo laikų dienoraštis" [War-Time Diary], Zenonas Blynas, Vilnius 2010, p. 93

Vaižganto street. This fact was mentioned in the diary by Lithuanian Nationalist Party secretary Zenonas Blynas in describing the composition of the Žemaičių žemė delegation where Jonas Noreika is called the commander of the Telšiai LAF and in the joint order by Ramanauskas and Noreika dated July 25 in which Noreika is described as the commander of the Telšiai LAF.

Noreika moved to Telšiai after the mass murder of the Jews of Plungė, just three weeks before his posting to Šiauliai. The Center's historical finding omits this period of his activity when Jonas Noreika commanded the armed LAF volunteers in the Telšiai district.

It's important to note that the Telšiai city municipality in the district commanded by Jonas Noreika began issuing titles to Jewish property to those who had applied for it.²⁵ The fact property was being distributed so early and with permission from the local government presupposes the property had been freed up in Telšiai and the owners had been isolated as early as the end of June in 1941. The documents show the establishment of the Telšiai ghetto was carried out by the Telšiai district head's administration²⁶ while the Telšiai city municipality administered Jewish property and the Jews themselves, imprisoning Jews and using them as forced labor until December. The municipality even had its own official for Jewish affairs.

Documents show that in June and July of 1941 it wasn't Nazi orders which were carried out in Telšiai regarding Jews. The documents confirm the official leaders of agencies and departments, the police chief, the district head and the municipality themselves which carried out actions against people of Jewish ethnicity, exploiting the state of war, without any order or directive from the Nazi government (officially before August 4 the LAF government rather than the Nazi government ruled in Lithuania). The influential people were included in Jonas Noreika's Žemaičių žemė delegation. Jonas Noreika had influence over these people in implementing the LAF program and ideology according to which all Jews were equated with Communists, i.e., were the enemy. Because the LAF was in power, it's highly likely the Jews in Telšiai were herded into the ghetto there at the initiative of the local government.

These are extraordinarily important facts because they demonstrate the criminal actions of the local government carried out against people of Jewish ethnicity in Telšiai in June and July of 1941. These documents show the general atmosphere in which Jonas Noreika operated and the people who surrounded him in Telšiai. Noreika truly didn't remain outside the events of the Holocaust.

The defendant's historical findings confirm Noreika had service ties with the Telšiai LAF and the Plungė *kommandatura*, but fail to consider what authority Noreika possessed in his post at the Telšiai LAF and fail to consider what armed LAF volunteers commanded by Jonas Noreika might have done in Plungė and Telšiai. There is an archival document which testifies that the Telšiai kommandatura issued permits for carrying firearms to members of the Lithuanian National Socialist Party in 1941.²⁷ This shows the LAF volunteers were arming themselves voluntarily and permits to carry weapons were being issued to Lithuanian national socialists in Telšiai in the summer of 1941. The defendant in its historical findings neither looks at nor mentions the activities of the Telšiai LAF activists under the command of Jonas Noreika and doesn't tackle the issue of Jonas Noreika's culpability as LAF commander.

²⁵ Requests and titles for the transfer of property are appended

²⁶ Appendix no. 17 September 23, 1941, letter from Telšiai burgermeister presenting Noreika the list of expenses for setting up and equipping the Telšiai ghetto

²⁷ Appendix no. 18, Lithuanian Central State Archive-f1075-a2-b19-13R

According to the testimony of then-district prosecutor of the Šiauliai district Matas Krygeris,²⁸ he travelled to Telšiai, a different military district, to the LAF headquarters there to investigate the legality of death sentences carried out there. In his book Krygeris writes: "Some Lithuanian brethren carried out executions at their own initiative. Here in Telšiai they have formed a super-patriotic 'court martial,' trying 'Communists' and 'Communist activists' and carrying out the sentences themselves. The author uses quotation marks so as to deny logically the real meanings of these words, demonstrating the injustice of these actions." Krygeris says high-ranking LAF figures took part in the meeting. When he proposed releasing those held under arrest at the LAF headquarters and barracks, there was no one opposed, and Telšiai district head Augustinas Ramanauskas exclaimed: "I told you we were doing it wrong." The defendant fails to mention these facts in its historical findings.

By Matas Krygeris's phrase "high-ranking LAF figures" we might understand that to mean the prosecutor's meeting included Jonas Noreika and Bronius Juodikis, Major Svilas and Ramanauskas. It's significant that there exists a ruling on a request for mercy from someone sentenced to death.²⁹ This shows the LAF court martial and death sentences were under Jonas Noreika's jurisdiction. As was the Telšiai prison which the municipality allowed on July 2, 1941, to take 500 sheets and the same number of underwear and shirts.³⁰ These facts are not included in the Center's findings but are crucial because they demonstrate Jonas Noreika's possible crimes against Lithuanian citizens committed in the Telšiai district.

Circumstantial evidence³¹ shows the LAF volunteers in the Joniškis rural district had a "Jewish Management Commission" which at the beginning of July in 1941 ordered the Joniškis rural district administration to register residents and discover their hidden property. On July 18 they issued an order to the Jews demanding a 20,000 ruble fine for not following the earlier order be paid to the LAF treasury by 3 o'clock in the afternoon the next day. This document demonstrates the LAF's power and influence in making decisions regarding the property of the Jews of Joniškis and the very lives of these people. The documents show the Joniškis LAF acted with complete wantonness and did whatever they liked regarding the local Jews, and had the power not just to order ordinary people around, but also the Joniškis administration.

It's noteworthy that as a consequence of the "governance" by the Žemaitija LAF, which included the seizure of Jewish property and the murder of local inhabitants without trial or by verdict of LAF courts, Šiauliai district head Urbaitis issued on July 24, 1941, (after Matas Krygeris's visit to Telšiai) an order condemning the wanton actions of the LAF partisans.³² The document maintains LAF partisans/TDA/white arm-banders carried out the functions of law-enforcement and power agencies illegally. The commander of the Šiauliai LAF issued order no. 2 on the same day, stating LAF chapters were operating without coordination with local police and had embarked upon "marches" which did harm to the organization's reputation.³³

An extremely important document testifying to the actions of Jonas Noreika as head of the Telšiai LAF is the joint order by Noreika and the Telšiai district head dated July 25, 1941, "to the chiefs of the police departments of the Telšiai district and Activist [LAF] headquarters groups"

²⁸ Matas Krygeris, *Rūsūs prisiminimai*, pp. 50-51

²⁹ Lithuanian Central State Archive-fR1441-a2-b10-Rejection of request for clemency from Vladas Bauža

³⁰ The document of the Telšiai municipality's transfer of ownership is appended

³¹ Lithuanian Central State Archive R739, ap 1, b 4, l.12, and others

³² Lithuanian Central State Archive-F-R1099-ap1-18-1

³³ Lithuanian Central State Archive-R739 ap1, b4, l. 17

prohibiting activists [LAF volunteers] from carrying out summary death sentences.³⁴ It says justifications for murder based on escape attempts would be investigated fully. **The document testifies to the fact the persecution and carrying out of death sentences by LAF activists against the residents of Lithuania was the reality in July of 1941 in the Telšiai district commanded by Jonas Noreika.**

The cover letter for this document by Telšiai district head Ramanauskas assigns authorship to Noreika and orders administration subjects and police **to follow the orders of the commander of the Telšiai LAF** (although Ramanauskas also signed this order). This demonstrates the political power of the LAF and the influence Noreika had in the Telšiai district and in Žemaitija.

The defendant in its historical findings does not mention the LAF, does not mention LAF volunteers were armed and does not mention they carried out the persecution of and death sentences against local residents.

The historical findings do not consider Noreika's possible participation in the process of isolating and murdering the Jews of the Telšiai district. The documents discussed above and Matas Krygeris's testimony show Noreika had a prison in his district, that the LAF carried out the persecution of Communists (according to LAF ideology Jews and Communists were the exact same thing) and carried out death sentences. The historical findings only say Noreika was invited by the people in power in Telšiai to a party of cultured people in the first days of July in 1941, a party which included the same members of the Žemaičių žemė delegation. The historical findings suppress the important fact of the war crimes committed by these people.

The mass murders in Plungė and Telšiai are not mentioned in the Jäger Report, Jäger having been the commander of the Einsatzkommando 3 (Hamann squadron) which murdered Lithuanian Jews, nor in court testimony in trials of the Tilsit Einsatzkommando which operated near the Lithuanian border [with East Prussia]. In the report by Einsatzgruppe A commander Stahlecker, we are told Einsatzkommando 3, responsible for murdering the Jews of Latvia, was assigned responsibility formally for the mass murders in Plungė, Telšiai, Mažeikiai, Biržai and Šiauliai, and had a unit in Šiauliai about 100 kilometers from Plungė.

In Stahlecker's report of October 15, 1941, it is indicated that one Einsatzkommando 2 unit (about 30 soldiers) responsible for all the Šiauliai military district was somehow able to murder 42,000 Jews, while Jäger's Einsatzkommando 3 (150 soldiers) murdered just 32,000 in the Kaunas military district. Moreover, we know from the Jäger Report that his unit, commanded by the sociopath Hamann, worked scrupulously, 5 days per week, and kept accurate statistics of the people murdered. These numbers testify to the possible contribution the Žemaitija LAF made to the mass murder of the Jews of Plungė and Telšiai.

During the period when Noreika held the post of Telšiai LAF commander in 1941, many people of Jewish ethnicity were murdered in Telšiai and Plungė. Jonas Noreika was the representative of the official political power known as the LAF in the district at that time.

These are highly significant circumstances which go unaddressed and are suppressed in the historical findings. These facts basically change the entire picture published by the defendant of Jonas Noreika's activities in 1941.

³⁴ Lithuanian Central State Archive-f1075-a2-b6-l35

The defendant in its historical findings does not indicate the LAF is a political organization which had formed the Government in Kaunas, nor does it indicate the political power wielded by Noreika and the LAF in the district of Telšiai, and neither does it mention the prison the Telšiai LAF had which held 500 prisoners. The defendant in its historical findings does not indicate that Jonas Noreika, who was a Lithuanian military attorney, was a member of the Telšiai LAF military court in July of 1941 who sentenced Lithuanian Communists to death and reviewed and rejected requests for mercy.

The defendant in its findings only indicates that *it is known* Jonas Noreika acting in this post sentenced a Lithuanian Communist to three weeks of manual labor, **but suppressed the fact this sentence was handed down for participating in a Communist Youth choir**. The defendant fails to mention the death sentences issued by the Telšiai LAF court, even though these sentences are documented and known (Vladas Bauža, appendix no. 20).

The Center's historical findings show Jonas Noreika convened and led the Žemaičių žemė delegation in July of 1941 to Kaunas to congratulate the LAF Government there, but omit the fact this delegation was formed immediately after the Jews of Plungė and Telšiai had been murdered, and that half of the delegation's members (indicated in **bold** below) were charged with the mass murder of the Jews of Plungė and Telšiai after the war:

- "1. Telšiai district police chief **Bronius Juodikis**
(Jonas Noreika's deputy commander charged as one of the commanders of the mass murder of the Jews of Telšiai)
2. Telšiai district head Ramanauskas
3. Telšiai district TDA (National Labor Security) **commandant major Svilas**
4. Plungė LAF commander and TDA commandant **lieutenant Alimas**
(charged as one of the commanders of the mass murder of the Jews of Plungė)
5. Telšiai district hospital director Dr. Plechavičius
6. Telšiai branch of Bank of Lithuania director Jurkus." ³⁵

Juodikis, Svilas and Alimas commanded armed organizations (police, TDA) involved in the persecution, isolation and mass murder of Jews in Lithuania. It is highly likely they took part in imprisoning Jews in the Telšiai ghetto and the Plungė synagogue, seizing, dividing up and selling their property. The defendant maintains the position Alimas commanded the transport of the Jews of Plungė to the killing site. Learning the identities of the people in the Žemaičių žemė delegation reveals it wasn't so glorious after all.

In the interrogation file of Lithuanian Nationalist Party leader Kazys Brunius, Lithuanian Special Archive fK1-a58-b34897-3-1219 there is a list of party members of the Lithuanian Activist Front/Lithuanian Nationalist Party, and no. 142 is Jonas Noreika, as the head of the Nationalist Party in the Telšiai district. No. 148 is major Svilas. He was inside Noreika's close circle. Noreika was the political and ideological leader of these people, known as General Storm. **The Center's historical findings omit this fact. This sort of omission of facts connected with the mass murder of Jews distorts history and is Holocaust denial.**

7.4. Activities of Šiauliai district head in 1941 and 1942

The Center's historical finding says: "Ignas Urbaitis who held the post of head of the Šiauliai district in July, 1941, promulgated document no. 6 on July 23, 1941, by which ... The Jews of

³⁵ "Karo laikų dienoraštis," Zenonas Blynas, Vilnius 2010, p. 93, and Žemaičių žemė no. 5

the town had to move from July 25 to August 15, 1941, to the sites indicated by rural district aldermen and city burgermeisters. Jews who failed to obey these orders were to be punished." Later in the same historical finding it says: "Jonas Noreika did not participate in the aforementioned actions to discriminate against and isolate Jews."

There is a surviving historical document which testifies to the opposite, that Jonas Noreika issued an order on August 9, 1941, to the alderman for the removal of the Jews of the town of Triškiai to Gruzdžiai.³⁶ This document contradicts the Center's claim Jonas Noreika did not take part in operations persecuting Jews in carrying out the orders of the former head of district, and demands reconsideration of the Center's historical finding.

It's worth pointing out to the Center that there are other documents as well which testify that Jonas Noreika, operating in the spirit of Urbaitis's document no. 6 of July 23, 1941, and acting as a public servant did act against Lithuanian citizens of Jewish ethnicity before Gewecke's appointment to the post of kommissar of the Šiauliai military district. To wit, Noreika issued three orders for the seizure of Jewish property.

7.5. Orders for the seizure of Jewish property

Temporary orders were issued on August 6 (regulation no. 429) for what to do with property left abandoned by Jews and Communists.³⁷ The orders were intended for town aldermen and burgermeisters of the cities in the Šiauliai district. Jonas Noreika issued the order that until the government decides otherwise, both real estate and tangible goods were under the control of the local government bodies and must be inventories, with perishable goods sold. Jews being removed were able to take items as they saw fit, while other property was considered abandoned.

There is an addition to the order, made on August 16, which says the Jewish property owner must also sign off on the list of property, and lists had to be presented to Noreika by August 20.

The Center's historical findings fail to mention Jonas Noreika administered matters connected with the theft of Jewish property. The findings do not examine by whose initiative or orders Jonas Noreika issued orders during his first days in the post on transferring Jewish property to the local government bodies, and at whose behest or by whose orders Jonas Noreika received lists of Jewish real estate.

The findings do say Noreika issued orders on September 10 for the liquidation of tangible Jewish property items, but the findings suppress the fact he ordered money from the items sold be turned over to the treasury of district administration he controlled (rather than placed in a bank account) and that remaining abandoned Jewish property be divided up and liquefied (transferred, destroyed) as soon as possible.³⁸

An important detail in assessing all this is that a month later, on October 10, Jonas Noreika issued an order from the kommissar in which monies received from the sale of Jewish property is supposed to be deposited in a Nazi bank account.³⁹ This change of beneficiary shows

³⁶ Lithuanian Central State Archive-fR-1099-a. 1-b. 2-1137

³⁷ Lithuanian Central State Archive-fR-1099-a. 1-b. 1-1113

³⁸ Lithuanian Central State Archive-fr-1099-ap1-b1-1 239

³⁹ Lithuanian Central State Archive R1099-1-2-456

kommissar Gewecke took an interest in Jewish property affairs two months after Noreika's orders were issued in his first days in the post.

These are significant facts showing Noreika until October 10 had sufficient freedom of action to decide issues of Jewish real estate in the Šiauliai district, and that the institution he led also received the money from the sale of Jewish property. This sort of activity, even in Noreika's time, was considered marauding, looting during wartime. The Center's historical findings suppress this fact.

7.6. Transfer of Jewish real estate

The Center's existing findings do not indicate Jonas Noreika administered Jewish real estate matters through individual acts. Documents from the district head's administration at that time do show Jonas Noreika's initiative in mediating and adopting decisions on the transfer of Jewish real estate property to new owners, specifically:

The August 7, 1941, request from the Gubernija beer brewery to hand over a Jewish water purification plant to the beer factory.⁴⁰ The request was signed the second day Noreika held the post. The resolution signed by Jonas Noreika and his secretary Tamašauskas had a written note in a corner on the margin: "Matter resolved by telephone, to the case-files," October 7, 1941.

A letter from Noreika dated October 23, 1941, addressed to the alderman of the Kuršaitis rural district which indicates Ignas Pliuskas had been appointed executor of the Šnaideris farm and ordering the immediate removal of the people resident there and a survey of the property.⁴¹

A letter from October of 1941 addressed to kommissar Gewecke asking for his blessing for transferring a Jewish mill and 20 hectares of land in the Kuršėnai rural district to the ownership of Šiauliai resident Benediktas Galminas. Noreika indicated in the letter he personally was mediating in the affair.⁴²

The abovementioned documents testify that Noreika had an interest for one reason or another to mediate in the transfer of title of Jewish real estate to new owners. This sort of activity under laws existing then were not part of the duties of district head and the burgermeisters and aldermen assigned new owners according to set criteria. Nonetheless Noreika was the highest-ranking official in the district after the Nazi kommissar, and his mediation most likely guaranteed the smooth transfer of the Jewish property desired.

Moreover, there are surviving documents which show Jonas Noreika in the post of district head administered the use of Jews as slave labor, set up security for that, supplied weapons and permits to guards and organized the exit and return of Jews from and to the Šiauliai ghetto.⁴³ Noreika's letter of November 5, 1941, to the Šiauliai municipality testifies the municipality was missing money which was supposed to be paid for Jews taken from the ghetto for labor, in this case Jewish labor on the railroad organized by Noreika. Noreika told the municipality to contact the client for the work, the Railroad Board. These documents demonstrate Jonas Noreika's

⁴⁰ Lithuanian Central State Archive-fR-1099-a1-b2-1418

⁴¹ Lithuanian Central State Archive F., R-1099, ap. 1, b. 2

⁴² Lithuanian Central State Archive F. R-1099, ap. 1, b. 2, l. 544

⁴³ Lithuanian Central State Archive-fR-1099-a1-b2-l338, Lithuanian Central State Archive-fR-1099-a1-b2-l440, Lithuanian Central State Archive-fR-1099-a1-b2-l504

personal involvement in the exploitation of Jews from Šiauliai as forced labor. These are important facts showing exploited the Nazis' restrictions on the rights of Jews for his own purposes after the mass murder of the Jews of Žagarė.

The abovementioned documents are significant because they witness to the fact Noreika, by his own will and choice, administered issues surrounding the transfer of title to Jewish real estate and exploited the Jews of the Šiauliai ghetto for labor for carrying out jobs for contracting enterprises. This was not the carrying out of Nazi orders, these were on-going, wanton, intentional and conscious criminal actions against Lithuanian citizens.

7.8. Establishment and administration of the Žagarė ghetto

The defendant's historical findings cite Jonas Noreika's order of August 22, 1941, "to all aldermen of rural districts and burgermeisters of secondary cities in the Šiauliai district," which announced the Šiauliai military district kommissar had ordered all Jews be moved to Žagarė.⁴⁴ The defendant's historical finding also says: "the occupational Nazi administration managed to draw him, along with other officials from the Lithuanian civilian administration, into the management of affairs connected with the isolation of Jews."

The Center in its finding states the fact of the order, says **the occupational Nazi administration drew him into the management of affairs connected with the isolation of Jews**, but remains silent on the documented facts which show Jonas Noreika and the Šiauliai district administration which he led were responsible for the establishment, maintenance and liquidation of the Žagarė ghetto. This is demonstration in the documents presented below.

Žagarė burgermeister Simonas Rakštys provided testimony to Soviet interrogators over two interrogation sessions that he held the post of burgermeister before the Soviet occupation, that at the end of August of 1941 he was appointed by Jonas Noreika to the post of burgermeister of Žagarė, that the Nazi administration removed him from that post at the end of October and that he had held it for two months. Asked whose orders he followed, Simonas Rakštys said he followed the orders of Jonas Noreika exclusively.⁴⁵

One has to understand the appearance, endurance and liquidation of the Jewish ghetto were the main events in the town of Žagarė in the fall of 1941, but the burgermeister says he didn't act independently, he carried out the orders of Noreika. It's noteworthy Simonas Rakštys was replaced with another burgermeister immediately after the liquidation of the ghetto.

There is a surviving order signed by Jonas Noreika allowing the burgermeister of Joniškis to retain dental equipment under his control for two months.⁴⁶ This document is important because it demonstrates Noreika had freedom of action and was able to make exceptions in carrying out kommissar Gewecke's order for Jews to be removed to the Žagarė ghetto.

There is a notification signed by the Šiauliai district head and accountant dated August 24, 1942, which confirms the soldiers of the Lithuanian Self-Defense Battalion units under the Šiauliai military district headquarters truly did receive salaries totaling 533,350.03 rubles from the head of the Šiauliai district from September 20, 1941, to November 1, 1941.⁴⁷

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⁴⁵ Lithuanian Special Archive K58-1, b. 8276, l. 11

⁴⁶ Lithuanian Central State Archive-fR-1099-a1-b2-l-380

⁴⁷ Lithuanian Central State Archive-fR-1099-a2-b2-1133

According to historians, the 14th battalion composed of units of Telšiai LAF soldiers operated in the Šiauliai military district and Jonas Noreika was the commander of the Telšiai LAF. This document confirms the Šiauliai district administration led by Jonas Noreika paid salaries to LAF soldiers for the period during which mass murder operations were carried out against the Jews in the Šiauliai district (at the Žagarė ghetto, October 2, 1941). It's important to note salaries weren't paid for one month (as was customary), but for six weeks. Likewise, there are no documents of similar content in the archive. It isn't known to whom it was addressed, but it appears to have been important because the personal testimony of Jonas Noreika was required.

There is a record of a secret meeting between Šiauliai kommissar Gewecke, district heads and police chiefs dated September 4, 1941, (appendix no. 38, collection of the library of the Academy of Sciences), which contains clear orders for restrictions on the rights of Jews and actions forbidden them. The district heads and the police subordinate to them were required to carry out these orders. The document shows the criminal actions against Jews weren't random, they were planned, their execution was supervised, and Noreika participated in this.

It doesn't appear the Center took these documents into account when it stated Noreika was only drawn into issues surrounding the isolation of Jews. The documents testify to his personal involvement and participation in administering the Žagarė ghetto. To his volitional and conscious involvement in the process of exterminating the Jews of the Šiauliai district. Noreika exerted efforts sufficient to insure the execution of earlier document no. 6 by Ignas Urbaitis dated July 23, 1941, to isolate the Jews. Although local residents resisted this, the Šiauliai district ghetto was established in Žagarė. Noreika appointed the town's burgermeister and personally commanded him during the period when the local Jews remained alive (after the ghetto was liquidated the Nazis removed this burgermeister). Noreika's administration paid salaries, possibly to Telšiai LAF soldiers (the 14th battalion), for six weeks, for the period during which the inmates of the Žagarė ghetto were being liquidated [murdered]. These are highly significant documented facts which are omitted from the defendant's findings. The documents demonstrate active collaboration with the Nazi regime leading to the murder of the Jews of the Šiauliai district imprisoned in the Žagarė ghetto.

Noreika's conscious actions had an influence on the Holocaust, but the Center holds a different opinion. **The existing historical finding(s) require a clear addition based on examination of the documented cited. An objective and true explication of the historical events requires the findings specify the episodes of Jonas Noreika's collaboration with the Nazis.**

It's important to note that Zenonas Blynas's diary records Karl Jäger visited Šiauliai military district kommissar Franz Gewecke in September of 1941. It was at this person's directive that Jonas Noreika established the Žagarė ghetto and from whom he sought support in transferring title to Jewish real estate, weapons permits and other matters. Karl Jäger asked for the Jews of the Šiauliai city ghetto to be turned over to him for extermination. Franz Gewecke did not turn the Jews of the Šiauliai city ghetto over to him. The Šiauliai city ghetto was unusual in that it wasn't liquidated immediately and preserved the lives of many Jews. The same cannot be said of the Šiauliai district ghetto in Žagarė commanded by Jonas Noreika.

8. Illegality of the Historical Finding of 2019

The statements in the historical finding on Jonas Noreika's activities in the anti-Nazi underground are based solely on the testimony of priest Jonas Borevičius and speculation by

the defendant. The defendant uses the authority of D. Jasaitis who rescued Jews in the finding, and talks about his activity, but presents no documented testimony naming Jonas Noreika as a rescuer of Jews. This finding also uses grammatical and orthographic devices, including square brackets between which the defendant's additions, i.e., additions to the historical source being quoted, are inserted into the testimony.

The facts surrounding the content and publication of the historical finding prepared by the defendant show the finding was intended to defend Jonas Noreika publicly because of the accusations made by the plaintiff of his involvement in the Holocaust. Ignoring documents presented by the plaintiff, hiding them from the public, the defendant drafted and published a finding just before Christmas which claims Jonas Noreika didn't understand the purpose of ghettos, actively rescued Jews and led an anti-Nazi underground resistance movement.

This finding was compiled uncritically and contains the most varied and disconnected assertions and citations. The historical finding grossly violates the Law on the Center for the Study of the Genocide and Resistance of Residents of Lithuania and the Law on the Provision of Information to the Public. This is public disinformation and Holocaust denial committed at the institutional level.

8.1. Lack of academic methodology

The foundation for the historical finding is testimony by the priest Jonas Borevičius to a U.S. court given in 1986, i.e., more than 40 years after the events in question. Defendant employee D. Stančikas examined this document and composed the historical finding.

The research failed to take into account the circumstances under which this testimony was given. This is very important. Lithuanian History Institute director Alvydas Nikžentaitis believes when new extradition cases against Lithuanians began in the USA and Great Britain in the 1970s and 1980s, their compatriots sought to render testimony beneficial to the accused. Borevičius was not an exception in this. He noted the witness in his testimony couldn't remember episodes which might have hurt the case of a man facing expulsion from the USA.⁴⁸ The head of the Lithuanian history research organization said Borevičius's testimony was an unreliable source, and all the more so since no other sources confirm his testimony.

Vilnius University professor Nerijus Šepetys believes the most that can be said about this is that the testimonies about this came very late, but can't be used to confirm Noreika personally rescued Jews. "Now all of a sudden this finding is written in such a tone, drawing in sources to historiographic assertions, radically interpreting these claims and even coming to conclusions about what Noreika did or did not understand, that he was a member of the anti-Nazi underground, that he actively participated in rescuing Jews, without any foundation for that."⁴⁹ This is finding made not based on facts, but by making speculation real.⁵⁰

⁴⁸ <https://www.lrt.lt/naujienos/nuomones/3/1127865/alvydas-nikzentaitis-genocido-centro-ismada-del-jono-nokreikos-niekine>

⁴⁹ <https://www.15min.lt/naujiena/aktualu/lietuva/istorikai-jei-iggrtc-pazyma-apie-j-noreika-butu-studento-darbas-ji-butu-ivertinta-labai-prastu-pazymiu-56-1249198>

⁵⁰ <https://www.lrt.lt/naujienos/nuomones/3/1127865/alvydas-nikzentaitis-genocido-centro-ismada-del-jono-nokreikos-niekine>

The researcher in this case must try to determine the possible date of the conversation, compare that date with the beginning of Boresivičius aid to Jews and examine other historical facts which could have had an influence on the priest's decision.

The defendant in its historical finding cites a so-called list by Antanas Gurevičius which allegedly list the names of people who helped Jews. Vilnius University professor Nerijus Šepetys believes this is not a reliable historical source. Antanas Gurevičius was a municipality official. The list is composed from separate secondary sources, that is, from books which are not academic and from texts which are not academic, and is a document made up of random locations.⁵¹

There are no other facts connecting Noreika with the rescue of Jews in the defendant's historical finding. From what is there (Boresivičius's testimony) the only conclusion which can be drawn is that Noreika didn't like how the Germans treated the Jews, but this doesn't confirm Noreika's passive or active participation in rescuing Jews.⁵²

Summarizing the public statements made by Vilnius University professor Nerijus Šepetys and Lithuanian History Institute director Alvydas Nikžentaitis, the historical finding should be considered invalid for failing to adhere to academic research methodology, uncritical examination and reliance upon a single source, the lack of other testimonies and for not taking into account documented facts.

8.2. Distortion of Jasaitis's Testimony

The defendant's historical finding uses the authority of Jasaitis, an active rescuer of Jews, for cover. It says Sofija Jasaitienė rescued Jews and hid them at the Vaiguva children's shelter. This institution was financed by the administration of the Šiauliai district whose director was Jonas Noreika. It contains no further information that Jasaitienė consulted with Noreika or operated at his direction. Therefore: **"Please agree, the fact alone that the district financed the shelter doesn't mean the Noreika himself participated in this noble campaign; or [at least] there is clearly a lack of evidence to support this fact."**⁵³

The defendant's historical finding includes one more connection between Noreika and Jasaitis, stating:

"One of the twelve founders of the Lithuanian Front anti-Nazi underground, Šiauliai city anti-Nazi resistance leader D. Jasaitis testifies: 'In this post [Šiauliai district head], [Noreika] cast his lot with the underground and staunchly defended his nation's affairs' (Lithuanian Encyclopedia, vol. XX, Boston, p. 409)."

The defendant's historical finding makes use of orthographic measures, quoting an encyclopedia entry, inserting Jonas Noreika in square brackets into Jasaitis's testimony. This is an illicit distortion of Jasaitis's testimony and the text of the encyclopedia. Pushing the title of underground resistance commander upon Noreika is public disinformation.

⁵¹ <https://www.15min.lt/naujiena/aktualu/lietuva/istorikai-jei-lggrtc-pazyma-apie-j-noreika-butu-studento-darbas-ji-butu-ivertinta-labai-prastu-pazymiu-56-1249198>

⁵² <https://www.lrt.lt/naujienos/nuomones/3/1127865/alvydas-nikzentaitis-genocido-centro-isvada-del-jono-nokreikos-niekine>

⁵³ <https://www.lrt.lt/naujienos/nuomones/3/1127865/alvydas-nikzentaitis-genocido-centro-isvada-del-jono-nokreikos-niekine>

It's worth noting that the defendant's earlier historical finding on Jonas Noreika's activities rejected the testimony of A. Pakalniškis who said Noreika ordered the shooting of the Jews locked up in the Plungė ghetto (in the synagogue), calling it unacademic, based on the fact Pakalniškis in an earlier edition of the same book hadn't named Jonas Noreika by name, referring to him instead as commander. This kind of lack of methodological continuity demonstrates the defendant is not carrying out the functions assigned to it by law, and is in fact composing findings by cherry-picking evidence which supports the story the defendant has invented.

8.3. (Lack of) Understanding the purpose of the ghettos

The defendant's historical finding says "Until the liquidation of the Žagarė, Jonas Noreika didn't understand that the ghettos were one of the stages of the Holocaust." This conclusion is drawn from SS brigadenführer Walther Stahlecker's explanations given to Himmler concerning the 1941 pogroms in Lithuania and the defense speech J. Urbaitis gave to NKVD interrogators in a criminal case in 1944.

These are not reliable sources for deciding on Jonas Noreika's understanding of the Holocaust and the purpose of the ghettos. One document is an irrational internal communiqué between Nazi officials testifying to the fact the Jewish council in Kaunas had been told "the establishment of the ghetto is the only means for creating normal living conditions." The second document is testimony from a Šiauliai district head who left the post before Noreika appeared made as a defense in a criminal case brought by the security organs of an occupying power.

These documents are not connected with Jonas Noreika and do not reference him. Based on these sorts of random sources, it isn't academic or scholarly to decide and publish a conclusion at the institutional level on what Jonas Noreika did or did not understand. It is not the defendant's legally assigned function to write findings on a person's inner state. This is not historical research but rather the finding of a psychologist.

It should also be noted that Urbaitis's testimony was also quoted in an earlier historical finding concerning Jonas Noreika, with the conclusion the Lithuanian people understood the ghettos as a safe haven. The same lie is being repeated to the public. This is Holocaust denial.

The finding ignores the testimony of Žagarė burgermeister Simonas Rakštys.⁵⁴ The burgermeister of Žagarė until the Soviet occupation was appointed by Jonas Noreika to the same post at the end of August, 1941. The Nazi administration removed him the post in late October and he had worked then for two months in the post, until the liquidation of the ghetto. Giving statements during two interrogation sessions, Simonas Rakštys said **he had followed the orders of Jonas Noreika exclusively as burgermeister of Žagarė in the period when the Žagarė ghetto operated.**

The finding ignores the fact Jonas Noreika issued two orders in September of 1941 for the seizure of Jewish-owned items and real estate. These were not orders passed on from the Nazis. Jonas Noreika imprisoned the Jews in the Žagarė ghetto in August, then issued two orders for the complete seizure of all their property, and then began parceling out Jewish real estate to others. The defendant's claim Jonas Noreika didn't understand the Jewish owners of the property had been condemned to death is a great insult. As the highest-ranking official in the

⁵⁴ Lithuanian Special Archive K58-1, b. 8276, l. 11

district to whom the police answered, he drove people out and took their homes and property, but in the defendant's words he didn't see any death, he thought it would be safer for the Jews to live in this way. This is Holocaust denial.

8.4. (Non-) Rescue of Jews

The finding claims Jonas Noreika as head of the Šiauliai district actively involved himself in the anti-Nazi underground saving Jews from the very first days he held that post. This is a conclusion based on nothing at all, ignoring a plethora of facts showing Jonas Noreika was clearly connected with the persecution and isolation/concentration of the Jews carried out, not with saving Jews.

The historical finding fails to take into account Jonas Noreika in the summer of 1941 was in command of the armed police organization the Telšiai LAF, and that in July he formed and led the Žemaičių žemė delegation to congratulate the LAF government in Kaunas, composed of the following people charged with the mass murder of the Jews in Žemaitija:

- "1. Telšiai district police chief **Bronius Juodikis**
(Jonas Noreika's deputy commander charged as one of the commanders of the mass murder of the Jews of Telšiai)
2. Telšiai district head Ramanauskas
3. Telšiai district TDA (National Labor Security) **commandant major Svilas**
4. Plungė LAF commander and TDA commandant **lieutenant Alimas**
(charged as one of the commanders of the mass murder of the Jews of Plungė)
5. Telšiai district hospital director Dr. Plechavičius
6. Telšiai branch of Bank of Lithuania director Jurkus." ⁵⁵

The finding ignored the facts that Jonas Noreika was the representative in Žemaitija for the Lithuanian Activist Front, the political force in power until August 5, 1941, that the LAF in Telšiai printed its official newspaper called Žemaičių žemė from early July of 1941 till 1942, that that newspaper before August of 1941 began printing all sorts of anti-Semitic propaganda as articles, and that the July issues of the same newspaper printed translations from Hitler's autobiography Mein Kampf.

The historical finding ignores the facts Jonas Noreika lived in Plungė and Telšiai when the mass murders were committed, and that Jonas Noreika at that time was the head of the LAF for all of Žemaitija. All the documented facts demonstrating Jonas Noreika's connections with mass murders carried out by the LAF and TDA are ignored, but the historical finding does claim that immediately following the events in Plungė and Telšiai, Jonas Noreika began actively rescuing Jews. This is public disinformation based on criminal beliefs and convictions.

8.5. On leading the anti-Nazi underground

The historical finding states: "On February 23, 1941, the Nazis arrested Noreika and imprisoned him in the Stutthof concentration camp. German security police and SD chief in Lithuania Karl Jäger, who was responsible for the mass extermination of Jews in Lithuania, charged him with 'leading a Lithuanian resistance movement and incitement especially against the Reichskommissar's announcement of the mobilization of the Lithuanian people (Prisoner Cards of the Stutthof Concentration Camp, Archiwum Muzeum Stutthof, Sygn., I-III-11224)."

⁵⁵ "Karo laikų dienoraštis," Zenonas Blynas, Vilnius 2010, p. 93; and Žemaičių žemė no. 5

Lithuanian History Institute director Alvydas Nikžentaitis believes: "The reason for his release from the post of district head was indicated as completely different at that time. It says nothing about his anti-Nazi activities, the only crime which he had committed was writing a text critical of Germany which hadn't even been published yet, the Gestapo found out about it before that." ⁵⁶ Vilnius University professor Nerijus Šepetys says Jonas Noreika was sent to the concentration camp along with other Lithuanians (including Balys Sruoga) to set an example, as a Nazi punishment for the Lithuanian people for failing to obey in creating as SS legion. Besides Jonas Borevičius's testimony, there is no other evidence Jonas Noreika participated in any anti-Nazi underground resistance. ⁵⁷

Based on the arguments offered by the academics, the finding on Jonas Noreika's participation in an anti-Nazi underground is baseless. The assignment of title of head of the underground was based on an entry dictated by the Nazis on a prisoner card and the testimony of someone biased towards his fellow Lithuanians given more than 40 years after the events in question.

The main task assigned to the defendant (article 4 of the law) is research on the physical and spiritual genocide carried out against residents of Lithuania by the occupational regimes from 1939 to 1990 and the restoration of historical truth and justice.

Vilnius University professor Nerijus Šepetys says: "The [Center's] historical finding on Jonas Noreika presents nothing which is new, and nothing is learned about him from this document. **This has nothing to do with justice, nothing to do with truth, nothing to do with law and certainly nothing to do with history.**" ⁵⁸

9. The claim's demand

Based on the above and on subsection 2, article 30 of the constitution, articles 6.246, 6.250 and 6.263 of the criminal code, subsection 2 of article 19, article 12 and points 1,2 and 4 of article 11 of the Law on the Provision of Information to the Public, articles 4 and 5 of the Law on the Center for the Study of the Genocide and Resistance of Residents of Lithuania as well as articles 54, 80, 111-114 and 135 of the civil process code, ***we request of the Your Honor the Court.***

1. to recognize as illegitimate and illegal the following historical findings produced by the Center for the Study of the Genocide and Resistance of Residents of Lithuania:

- The October, 2015, finding on Jonas Noreika's activities in Nazi-occupied Lithuania;
- The March 27, 2019 finding on Jonas Noreika's activities;
- the December 17, 2019 finding on Jonas Noreika's activities in the anti-Nazi resistance.

⁵⁶ <https://www.lrt.lt/naujienos/nuomones/3/1127865/alvydas-nikzentaitis-genocido-centro-ismada-del-jono-nokreikos-niekine>

⁵⁷ <https://www.ziniuradijas.lt/laidos/greiti-pietus/ar-siandien-sunku-buti-istoriku?video>

⁵⁸ <https://www.15min.lt/naujiena/aktualu/lietuva/istorikai-jei-lggrtc-pazyma-apie-j-noreika-butu-studento-darbas-ji-butu-ivertinta-labai-prastu-pazymiu-56-1249198?>

2. to end public access to these historical findings on the defendant's internet site, including but not limited to the following URLs:

http://genocid.lt/UserFiles/User/Pazymos/201510_noreika_pazyma01.pdf

http://genocid.lt/UserFiles/User/Titulinis/2019/20190327_noreika.pdf

http://genocid.lt/UserFiles/User/Titulinis/2019/20191218_pazyma.pdf

3. to award the payment of legal costs to the plaintiff.

10. Procedural Considerations

Attorney Rokas Rudzinskas is representing the plaintiff in the case. We consent to receiving procedural and legal documents electronically. We consent to decisions being made in absentia in line with the provisions set forth in the civil process code. The plaintiff at this time is unable to comment on the opportunity for a peaceful resolution with the defendant outside legal proceedings.

Appendices:

No. 1 Legal representation agreement

No. 2 Lithuanian Central State Archive F 412 In. 13 B6 L863 Shmuel Gochin's family composition

No. 4 Lithuanian Central State Archive F 412 In. 12 B. 67. L. 225 1922 internal passport no. 623696 Mones Gochin

No. 5. Lithuanian Central State Archive-f1075-a2-b10-1108 March 11, 1942, explanation by the Telšiai Curia on the seizure of a printing press

No. 5.1 Lithuanian Central State Archive f1075-a2-b10-187 July 4, 1941, Juodikis asks for table for state printing press

No. 5.2 Lithuanian Central State Archive f1075-a2-b10-186 July 4, 1941, Telšiai municipality's permission for table for state printing press

No. 7 Lithuanian Communist Party f3377-a55-b41-1107-119-Vytautas Stonis explanations on structure of LAF

No. 8 Žemaičių žemė, issues for 1941

No. 9 Žemaičių žemė no. 5, excerpts

No. 10 excerpts from Mein Kampf, Žemaičių žemė nos. 2 and 4

No. 12 July 21, 1941, German kommandatura given 5 blankets and 3 pillows

No. 12.1 Expenses incurred for the Germans, Telšiai, 1941-1942

No. 12.2 Order by head of Telšiai district - collection of Jews' property - ammunition for riflemen or police

No. 13 Zenonas Ivinskis's testimony in 1965 on the mass murder in Plungė and Telšiai

No. 16.1 June 30, 1941, Alkas asks for former Jewish photography lab

No. 16.2 July 4, 1941, Povilas Rumbutis appointed manager of property of Jews of Telšiai municipality and Telšiai

No. 16.3 July 4, 1941, furniture for Telšiai prosecutor Antanelis

No. 16.4 July 8, 1941, police ask for furniture as rent-to-own

No. 16.5 July 15, 1941, hat workshop transferred

No. 16.6 July 12, 1941, Telšiai burgermeister's orders - looted property to municipality's store house

No. 16.7 July 15, 1941, Telšiai district head's orders on looting of Jewish property

No. 16.8 July 22, 1941, Municipality's authorization to police for transporting property of Jews of Telšiai and Rainiai

No. 17 September 23, 1941, Telšiai burgermeister's letter presenting list of expenses for setting up Telšiai ghetto to Noreika

No. 18 Lithuanian Central State Archive f1075-a2-b19-13R-Right to carry weapon in Telšiai

No. 19 Excerpt from Matas Krygeris's book Rūstūs prisiminimai

No. 20 Lithuanian Central State Archive fR1441-a2-b10-Vladas Bauza death sentence

No. 22.1 Lithuanian Central State Archive R739, ap 1, b 4, l 12, LAF order to Joniškis municipality to register remaining Jews by July 15

No. 22.2 Lithuanian Central State Archive R739, ap 1, b 4, l 11 LAF order to Joniškis municipality to register Jewish property being hidden by residents

No. 22.3 Lithuanian Central State Archive R739, ap 1, b 4, l 13 July 10, 1941, LAF order for Jews to pay 20,000 ruble fine

No. 23 Lithuanian Central State Archive F-R1099-ap1-18-1 July 24, 1941, Order by Šiauliai district head Urbaitis condemning wanton actions by LAF partisans

No. 24 Lithuanian Central State Archive r739, ap 1, b4 l. 17 July 24, 1941, Šiauliai LAF order no. 2

No. 25 Lithuanian Central State Archive-f1075-a2-b6-l35 Noreika's order to Telšiai LAF, July 25, 1941

No. 25.1 July 25, 1941, Ramanauskas and Noreika's letter, assignment of Noreika

No. 26. Lithuanian Central State Archive-fR-1099-a. 1- b.2- 1137-Noreika's order on removing the Jews of Tryškiai, jpeg graphic

No. 27 Lithuanian State Central Arcive-fr-1099-a1-b1-l113 August 6, 1941, Noreika's order on Jewish property, .jpg format

No. 27.1 Lithuanian State Central Arcive-fr-1099-a1-b1-l113 August 6, 1941, Noreika's order on Jewish property, .jpg format

No. 28 Lithuanian State Central Archive fR-1099-ap1-b1-l 239 Noreika's order on Jewish property of August 10, in .jpeg format

No. 29 Lithuanian State Central Archive fR-1099-1-2-456 Noreika's order on Jewish property, kommissar's bank account, in .jpeg format

No. 31 Lithuanian State Central Archive F., R-1099, ap. 1, b. 2. l - appointment of executor for Šneideris farm

No. 32 Lithuanian State Central Archive F., R-1099, ap. 1, b. 2, l. 544 - JN Jewish mill and 20 hectares of land to Šiauliai resident Galminas

No. 33 Lithuanian State Central Archive fR-1099-a1-b2-l504 Exploitation of Jews for railroad work

No. 33.1 Lithuanian State Central Archive fR-1099-a1-b2-l440 Exploitation of Jews for railroad work

No. 33.2 Lithuanian State Central Archive fR-1099-a1-b2-l338 Exploitation of Jews for railroad work

No. 33.3 Lithuanian State Central Archive fR-1099-a1-b2-l294 Exploitation of Jews for railroad work

No. 35 Interrogation of Simonas Rakstys, burgermeister of Zagare

No. 36 Lithuanian State Central Archive fR-1099-a1-b2-l-380 permission to retain dental equipment

No. 37 Lithuanian State Central Archive fR-1099-a1-b2-l133 Salaries for soldiers of the riflemen's headquarters

No. 38 September 4, 1941, documents on consultation with Gewecke

No. 39 Testimony by Silvia Foti, Noreika's granddaughter, on May 25, 2018, regarding the illegality of the historical findings

No. 40 April 10, 20a9, reply by members of the International Commission to the Center's statement

- No. 41 Verdict by the Lithuanian Supreme Administrative Court in administrative case no. eA-1768-624/2020 on April 1, 2020
- No. 42 Book "Plungės žydų takais" [On the Paths of the Jews of Plungė] by the Plungė Tourism and Information Center
- No. 43 Defendant's posting on facebook
- No. 43.1 Defendant's posting on facebook
- No. 44 October, 2015, finding on Jonas Noreika's activities during World War II
- No. 45 March 27, 2019, finding on Jonas Noreika
- No. 46 December 18, 2019, finding on Jonas Noreika's activities in the anti-Nazi underground
- No. 47 Receipt of payment of fee to file claim

Representing Grant Arthur Gochin
Rokas Rudzinskas, attorney