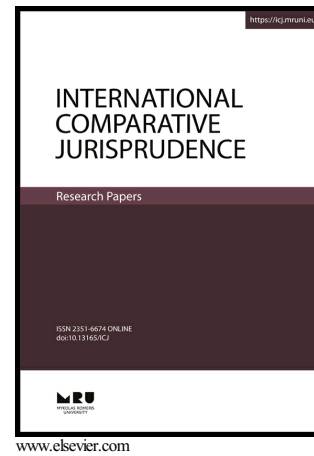


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Vasiliauskas vs. Lithuania: battle lost in the war to come?**Justinas Žilinskas¹**

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Abstract

The present article comments on case *Vasiliauskas vs. Lithuania* in which European Court of Human Rights has found Lithuania in breach of European Convention on Human Rights, Article 7. In this case Lithuania retroactively applied broadened definition of genocide embedded in the national law. Such definition was created with the aim to prosecute persons that carried out soviet repressions in Soviet Union occupied Lithuania after World War Two. However, the ECHR judgement was adopted only by minimal margin, and the dissenting opinions were numerous with criticism upon majority that it chose too formal way and failed to address the justice that soviet repression victims are still craving. Nevertheless, the majority decision could not be easily dismissed neither by Lithuania, nor by any other country that is facing the same historical trend therefore it is necessary to consider what steps Lithuania shall take and how to make it in line with Vasiliauskas decision.

Key-words

genocide, war crimes, crimes against humanity, ECHR, Vasiliauskas.

Introduction: Stories

Events of the Second World War were harsh here, in the Baltic. Nazis occupation was not the one and only evil here. There are many stories to be told about atrocities during Soviet occupation – stories of villages burned and homesteads destroyed. Stories of families deported, when men were separated from their wives and children never to be seen again. Stories, that finally made their way to international best sellers lists as Rūta Šepetys “Between Shades of Grey”.

But everyone here has his own personal story. My story comes from my mother’s family. There is nothing really horrible in it, it’s one of the thousands stories alike, but to me it seems as a kind of signatory, kind of capturing the *zeitgeist*. Here it goes: my grandfather from mother’s side was an

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