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## **The Shnipishok Jewish Cemetery of Vilnius: A Review**

### **Background**

The Snipiskes ('Shnipishok' in Yiddish) Jewish cemetery in Vilnius dates back to the fifteenth century and holds the remains of tens of thousands of people, including scholars and sages whose works continue to guide the Jewish people today. The Vilna Gaon (until his remains were transferred) and his entire family, the Be'er HaGolah and the Chaye Adam are among those buried here.

Napoleon, in his ill-fated March on Moscow, bivouacked his army here, over the pleas of the Jewish community. The cemetery was officially closed in 1831 when it was filled to capacity.

### **Recent History**

The cemetery, one of Judaism's most sacred sites, was maintained by the Jewish Kehilla of Vilnius, supported by funds collected from Jews throughout the world. The individual plots were purchased by Vilnius Jews as burial sites, to remain inviolate in perpetuity. This ownership remains in effect to this very day. At the start of World War II, the Nazis seized the cemetery. At its end Soviet Russia assumed control.

At no time was there any transfer of ownership or control, and the removal of gravestones, markers, and mausoleums were the illegal acts of despotic intruders.

In 1971 or thereabouts, the Soviets built a Sports Palace in the middle of the cemetery. A large number of bodies were disinterred, but because Jews buried their dead in layers separated by earth in such space-restricted cemeteries, there is (oral) evidence that there are human remains underneath the Sports Palace foundation.

In 1991 Lithuania became independent and, in effect, became a trustee of the cemetery. Instead of returning the cemetery to the Jewish people, it was granted to a trade union on condition that it would not be sold. It was, however, sold and went through many subsequent owners only to be later repurchased by the Lithuanian government. At no time was ownership of the cemetery legally transferred by the Jewish people.

### **Desecration and Defilement: The US Congress Reacts**

In 2005 and in 2008 two separate apartment complexes were built on cemetery grounds with the resulting excavation and defilement of a large number of graves.

In both instances, tons of earth containing human remains were carted away. To this day Lithuanian officials refuse to divulge the location where this earth was dumped and Jewish groups are unable to rebury these remains.

Following a public outcry, Congress passed a concurrent resolution [H.Con.Res. 255 (2008)] conveying its outrage at “the construction that occurred within the perceived boundaries of the historic Jewish cemetery.” The resolution expressed Congress’s “strong sentiments to the Government of Lithuania that the people of the United States believe the Jewish cemetery... must not be desecrated.”

### **2009: A Flawed Protocol**

Under intense pressure from abroad, the Lithuanian Government convened a group comprised of a (claimed) representative of the Jews living in Vilnius, the London based CPJCE and Lithuanian representatives. Working in secret, in concert with the US Embassy [as confirmed by Wikileaks documents], a Protocol was reached purporting to protect the cemetery. The document was signed on August 26, 2009.

The document was announced to great fanfare, but soon shown to be flawed. Groups trying to save the cemetery pointed out that while clause 4:1 declares that “earth moving work is forbidden in the cemetery,” clause 4:2 enables earth moving work in cases involving engineering construction (utility pipeline, transportation, communication, infrastructure) and/or work to maintain the Vilnius Sports Palace.

Such permitted activity, it was pointed out, would cause further desecration and defilement of this sacred site.

### **Demarche**

Shortly after this agreement was signed, then Secretary of State Hillary Clinton was asked to sign a Demarche. Why was this important? Because a Demarche establishes policy for the State Department and remains in effect until changed by a succeeding Secretary of State.

Reading the Demarche signed by Secretary Clinton, it’s clear that she was misled. Jewish groups worldwide had protested vigorously against the 2009 agreement, yet the background memorandum presented to Secretary of State Clinton described this fierce opposition as –

*“While a few U.S. Jewish NGOs argue that the agreement is insufficient, as it does not return the cemetery to the Jewish community, full implementation will ensure its preservation.”*

Secretary Clinton, based on this memorandum, signed a Demarche which essentially set State Department policy on this issue.

In the intervening decade we have been unable to reach a succeeding Secretary of State to reexamine the issue and perhaps sign a different Demarche.



## **A Project is Proposed**

In 2015 Lithuania announced plans to further develop the cemetery by expanding the above noted Sports Palace into a concert and convention center. This edifice, derelict and abandoned, merits nothing more than demolition and removal.

Instead, the project envisions digging up and otherwise disturbing the remains of many more of the dead in providing for new pipes, sewers, electrical conduits, and steam pipes. In addition there are plans to expand the existing convention area from 15.6 thousand square meters to 18.9 thousand square meters. New walkways, access roads and lighting will result in further excavation and defiling of the dead.

The new center will further profane the sacred site by bringing up to five thousand people daily to meet, congregate and socialize on the cemetery's hallowed grounds.

## **Protests**

Jewish people in Lithuania, the United States, and around the world have passionately protested the planned development. In a September 2018 statement, representatives of Vilnius's small remaining Jewish community wrote that the planned development "denigrates fundamental values of humankind" and that reliance on the few who support the project "ignores(s) the voices of thousands of (Lithuanian) citizens." A petition opposing the plan gathered almost 50,000 signatures.

Lithuanian authorities attempt to counter these protests by reference to CPJCE, a small London based respected group which, for reasons unknown, has agreed to approve the project. This group is headed by a highly respected Rabbi and has created the appearance of a rabbinic disagreement regarding this project. This approval has been negated by the major Rabbinic authorities from all over the world who strenuously oppose it.

Protesting groups point out, further, that the United States Congress in its legislation relating to cemetery desecration takes no notice of Rabbinic pronouncements and position. The determination of cemetery desecration is entirely secular in nature, to wit -

- In 1983 Congress established the Commission for the Preservation of America's Heritage Abroad as an independent agency of the United States. (Pub. Law. 99-83, sec. 312302.) In its statement of purpose, Congress concluded that "[b]ecause the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens."
- In 1998 Congress enacted the "International Religious Freedom Act of 1998."
- In 2008, H. Con. Res. 255 (2008) expressed Congress' "strong sentiments to the Government of Lithuania that the people of the United States believe the Jewish cemetery... must not be desecrated."

- In 2015 Congress adopted P.L. 13-154 which explicitly included desecrations of cemeteries as a violation of the International Religious Freedom Act of 1998.

This legislation represents the will of the American people on matters relating to the protection of cemeteries against desecration. As noted, desecration is determined strictly by secular law.

### **The Message to Lithuania**

The existence of the Sports Palace on top of this cemetery debases it; the proposed project and anticipated activity will cause desecration on a scale unknown to any other cemetery in the civilized world, in clear violation of the International Religious Freedom Act of 1998.

There are many other suitable sites in the Vilnius region for a Conference and Convention Center, so that were the Lithuanian government to proceed with this project, it would dishonor the understandings of Western democratic nations as to the proper treatment of the dead. On the other hand, were it to move the project, it would demonstrate to the world that Lithuania is a trustworthy partner in matters relating to culture, fundamental rights, and perhaps even to economic matters and defense.

Prepared by the Coalition of Groups and Individuals for the Preservation of the Shnipishok Cemetery in Vilnius.

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