

## PROTOCOL OF THE MEETING HELD ON 26 AUGUST 2009 IN VILNIUS

Attended by:

Dr. Simonas Alperavičius, Chairman of the Lithuanian Jewish Community

Rabbi Schlesinger, Head of the Committee for the Preservation of Jewish  
Cemeteries in Europe

Rabbi Gluck, Representative of the Committee for the Preservation of Jewish  
Cemeteries in Europe

Mr. Ariele Klein, Geotechnical consultant

Ms. Faina Kukliansky, Chairman of the Vilnius Jewish Community

Mr. Simonas Gurevicius, Executive Director of the Lithuanian Jewish Community

Mr. Donatas Valanciauskas, Viceminister of Culture

Mr. Sarunas Adomavicius, Viceminister for Foreign Affairs

Ms. Diana Varnaite, Head of the Cultural Heritage Department

Mr. Renaldas Augustinavicius, Representative of the Cultural Heritage Department

Mr. Saulius Jaskelavicius, Counsellor of the Ministry of Foreign Affairs

With reference to the Lithuanian Government's decision of 18 May 2009 No.39 on the location and protection of the old Vilnius Jewish cemetery in Snipiskes the representatives who took part at the meeting agreed:

- (a) to acknowledge the recent efforts initiated by the Lithuanian Government to locate and protect the old Vilnius Jewish cemetery in Snipiskes;
- (b) to express the support to the Lithuanian Government's decision of 18 May 2009 No.39 on the location and protection of the old Vilnius Jewish cemetery in Snipiskes;
- (c) to approve The Conditions for The Heritage Protection of The Territory and Buffer zone of the Old Jewish cemetery site in Snipiskes, Vilnius;
- (d) with participation of the responsible Lithuanian institutions, the representatives of the Jewish community and the private owners of the territory to closely cooperate on the further arrangement and memorisation of the old Vilnius Jewish cemetery site in Snipiskes.

**Appendix.** The Conditions for The Heritage Protection of The Territory and Buffer zone of the Old Jewish cemetery site in Snipiskes, Vilnius. 4 pages (In Lithuanian and English languages).

Dr. Simonas Alperavičius

Rabbi Schlesinger

Diana Varnaite

# HERITAGE PROTECTION CONDITIONS OF THE TERRITORY AND PROTECTION ZONE OF THE SITE OF THE OLD ŠNIPIŠKĖS JEWISH CEMETERY IN VILNIUS

## I. TERMS

1. **Lithuanian Jewish Community** - an organisation representing the interests of Lithuanian Jews and cooperating with international Jewish organisations on the matter of the site of the old Šnipiškės Jewish cemetery in Vilnius (hereinafter - the Cemetery).

2. **Investor** - a natural person or legal entity (builder) organising construction and building design works in the territory of the Cemetery and in the protection zone, or parts thereof, in the economic, contract or mixed manner.

3. **Archaeologist** - a natural person having received a permit in accordance with the procedure established by legal acts to carry out archaeological research in the territory of the Cemetery and in the protection zone.

4. **Human remains** – a dead human body or its parts.

5. **Essential human remains** - the body or parts of the body of a dead person detected in a grave or mass grave.

6. **Grave** - a place where the remains of a person are deliberately buried in anatomical order, regardless of the burial customs of the deceased person (on the back, side, sitting, upright, face down, etc.). Graves can be individual, group or mass. Scattered human bones or fragments thereof, as well as accumulations of such bones resulting from subsequent economic activities are not classified as a grave.

7. **Individual grave** - a grave in the pit of which remains of one person are buried in an anatomic order.

8. **Group grave** - a grave, where in one or separate, but adjacent, pit of grave human remains are buried in an anatomic order in accordance with certain customs of burial of bodies of deceased persons. Often, such deceased persons are related between each other by kinship or partnership (activity) ties (e.g., family grave, grave of an unknown soldier).

9. **Mass grave** - a grave where human remains are buried in one pit of grave, without abiding to a systematic procedure for the burial of bodies of deceased persons, funeral customs, but in a traceable anatomical order. People were often buried in mass graves at the same time and for the same reason (e.g. genocide, disease epidemics, etc.).

10. **Fragments of human remains** – parts of the bodies of deceased persons detected in a non-anatomical order and cannot be related to a specific grave. Fragments of human remains are not classified as essential human remains.

## II. ESSENTIAL REQUIREMENTS

11. In order to protect the Cemetery, by the Act No KPD-RM-672 of 8 April 2008 the Immovable Cultural Heritage Assessment Council of the Department of Cultural Heritage under the Ministry of Culture (hereinafter - the Department) conferred legal protection to the Cemetery and defined the boundaries of the territory by the Cemetery. Given the fact that essential human remains and fragments of human remains may also be present outside the territory of the Cemetery, and this is important in order to physically protect one of the valuable features of the Cemetery - human remains and their remnants, by the Protocol No 39 of 18 May 2009 the Government of the Republic of Lithuania approved the boundaries of the subzone of the territory of the Cemetery and of protection against physical impact that were proposed by the Department, and that have to be validated in accordance with the procedure established by legal acts.

13. Earthworks are prohibited in the territory of the Cemetery. Earthworks are prohibited in the possible functional zones A and C of the protection zone of the Cemetery, except in cases when it is related to works of management of existing engineering structures (engineering networks or communications) and/or of maintenance of Vilnius Palace of Concerts and Sports. A permit must be obtained from the Lithuanian Jewish Community for earthworks related to the management and maintenance of the above-mentioned structures and they must be carried out to the minimum possible extent. All earthworks must be carried out under the supervision of an Archaeologist and an authorized representative of the Lithuanian Jewish Community.

14. In accordance with the procedure established by the legal acts, earthworks and works of construction are permitted in the possible functional zone B, but only in places where no essential human remains, archaeological finds

(structures), to be protected *in situ* (in the place where items/objects were found), were detected, and where appropriate engineering solutions were detected to protect such remains and finds if detected. All earthworks in this zone have to be carried out under the supervision of an Archaeologist and an authorized representative of the Lithuanian Jewish Community.

15. In the event of an accident in a building or engineering network, earthworks related to the elimination of threat of an accident may be started immediately both in the territory of the Cemetery and in the protection zone of the Cemetery, but the Lithuanian Jewish Community and the Department must be immediately notified thereof. After arrival of a representative of the Lithuanian Jewish Community and an Archaeologist at the site of an accident, works of elimination of threat of an accident shall be carried out in accordance with their requirements.

16. An archaeologist shall perform maintenance steps in accordance with the project of archaeological research approved by the Scientific Archaeological Commission of the Department and having obtained a permit to perform such research in accordance with the procedure established by legal acts. An Archaeologist is prohibited from uncovering human remains in the undamaged graves without the consent of the Lithuanian Jewish Community. Maintenance steps must be taken and works of construction must be carried out in accordance with the map of the boundaries of the Cemetery and its protection zone (provided in digital format). This map has to be prepared by the Department.

17. All earthworks, both in the territory of the Cemetery and in the protection zone, have to be carried out manually according to the requirements of an Archaeologist and the Lithuanian Jewish Community. Mechanized excavation of soil is possible if the approval of an Archaeologist and the Lithuanian Jewish Community has been received.

18. When human remains are detected, the authorized representative of the Lithuanian Jewish Community and an Archaeologist jointly decide on their classification as essential human remains or fragments of human remains. In case of disagreement between them concerning certain Human remains, the Lithuanian Jewish Community may invite other representative to come to the place and help find an acceptable solution. The physical anthropologist must decide whether the bones that were detected are human bones.

19. Essential human remains (individual, group grave or mass grave) shall left intact and preserved *in situ* (in the place where they were found). When, due to the discovery of essential human remains, it is necessary to change the boundaries of the territory of the Cemetery and/or of the protection zone, they shall be changed in accordance with the procedure established by the legal acts.

20. The Department, together with the Heritage Protection Division of Vilnius City Municipality, discreetly decides, in accordance with the procedure established by legal acts, on the *in situ* preservation of discovered archaeological finds or structures not related to the Cemetery (for example, old production furnaces, remnants of old buildings, etc.).

21. The human remains, detected both in the territory of the Cemetery and in the protection zone, must be properly identified (in the place where they were found) and marked in the relevant plans. The Lithuanian Jewish community reburies the detected fragments of human remains.

## **FINAL PROVISIONS**

22. If, after the discovery of essential human remains or archaeological finds (structures), it is necessary to change the solutions of approved (verified) territorial planning documents, structures or other development projects, such works are organized and financed by the Investor. Losses resulting from this are not considered damages and are attributed to the operational risk of the Investor.

23. Before earthworks are carried out, a tripartite agreement has to be concluded between the Investor, the Lithuanian Jewish Community and an Archaeologist, to discuss in such an agreement the specific course of works, rights, deadlines and procedures for stopping works on the site, information exchange and the procedure of payment of expenses related to maintenance work and archaeological research carried out by the Lithuanian Jewish Community. A copy of the concluded tripartite agreement must be submitted to the Ministries of Culture and Foreign Affairs and the Department no later than on the next working day.