



LO TISHKACH
FOUNDATION
EUROPEAN JEWISH
CEMETERIES INITIATIVE

*Preliminary Report on
Legislation & Practice Relating to the
Protection and Preservation of
Jewish Burial Grounds*

Estonia

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The *Lo Tishkach European Jewish Cemeteries Initiative* was established in 2006 as a joint project of the Conference of European Rabbis and the Conference on Jewish Material Claims Against Germany. It aims to guarantee the effective and lasting preservation and protection of Jewish cemeteries and mass graves throughout the European continent.

Identified by the Hebrew phrase *Lo Tishkach* ("do not forget"), the Foundation is establishing a comprehensive publicly-accessible database of all Jewish burial grounds in Europe, currently featuring details on over 10,000 Jewish cemeteries and mass graves. Lo Tishkach is also producing a compendium of the different national and international laws and practices affecting these sites, to be used as a starting point to advocate for the better protection and preservation of Europe's Jewish heritage.

A key aim of the project is to engage young Europeans, bringing Europe's history alive, encouraging reflection on the values that are important for responsible citizenship and mutual respect, giving a valuable insight into Jewish culture and mobilising young people to care for our common heritage.

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Executive Summary

1. Numbers: **The exact number of Jewish burial grounds in Estonia is unknown.** Whilst the Jewish community holds information on **eleven Jewish cemeteries, data is lacking on the exact number and location of mass graves.** This is mainly due to the fact that although mass killings occurred at several camp and execution sites, a number of victims were reburied elsewhere during and after World War II. According to data of the Estonian Jewish Museum, **World War II mass killings of Jews in Estonia occurred at ten different sites; further killings happened at an unknown number of concentration and labour camps, of which the Germans established twenty-four.**
2. Ownership: **Municipalities are the main owner of the land of both Jewish cemeteries and mass graves** in Estonia. The Jewish cemeteries in Pärnu and Tartu (New Cemetery) belong to the Jewish community. The land of Tallinn Magasini Jewish Cemetery is privately owned. **The land of most mass grave sites is owned by municipalities.**
3. Maintenance: **Most Jewish cemeteries receive basic maintenance provided by municipalities.** The level of maintenance varies from one site to another. **Up-to-date information on the state of maintenance at mass grave sites is lacking, except for eight sites at which memorial markers have been placed over recent years and where most municipalities have agreed to provide basic maintenance.**
4. Legal situation: **A number of provisions in different bodies of law may be used to campaign for better protection and preservation of Jewish burial grounds in Estonia.** They include the Estonian constitution, legislation on minority rights, cultural heritage legislation as well as the criminal code.
5. Recommendations:
 - **Proper demarcation of all Jewish cemeteries in Estonia;**
 - **Identification and demarcation of all mass grave sites;**
 - **Close co-operation between the Jewish Community and local municipalities to ensure regular maintenance according to mutually agreed standards, throughout the country;**
 - **A negotiated solution between the Jewish community, municipalities and the national government to extend the protection granted under cultural heritage legislation to Jewish burial grounds;**
 - **Continuous signposting of mass grave sites, both to afford better protection and to preserve the memory of those who perished in the Holocaust.**

1. Introduction

1.1 Project Introduction

As a result of the ravages of the Holocaust and the subsequent waves of emigration, Europe's Jewish population now stands at around 1.5 million, 8 million fewer than in 1933. Many areas in Central and Eastern Europe with previously vibrant Jewish communities no longer have a single Jewish resident; others have small and ageing Jewish populations, unable to fulfil their duty to care for the graves of those buried in thousands of Jewish cemeteries and mass graves. Most of these sites lie unvisited and unprotected, severely damaged by the destruction wrought by the Nazis and during the Communist era and at risk from neglect, vandalism, development, theft, inappropriate development and well-meaning but inexperienced attempts at restoration. Without immediate action many will soon be lost forever.

Lo Tishkach was established in 2006 as a joint project of the Conference of European Rabbis and the Conference on Jewish Material Claims Against Germany to guarantee the effective and lasting preservation and protection of Jewish cemeteries, Jewish sections of municipal cemeteries and mass graves throughout the European continent, estimated at more than 20,000 in 49 countries.

One of the key aims of the project, identified by the Hebrew phrase *Lo Tishkach* ('do not forget'), is to establish a comprehensive, publicly-accessible database of Jewish burial grounds in Europe. This is now available on the project's website (www.lo-tishkach.org) and currently features data on over 10,000 Jewish burial grounds. Data collected will be used to both facilitate research into this fundamental aspect of Europe's Jewish heritage, and to provide a starting point for local-level actions to protect and preserve Jewish burial grounds throughout Europe.

In order to afford large-scale, lasting protection to these valuable sites, local-level work, while extremely valuable, is not enough. It is crucial to ensure that there is a sufficiently robust legal environment – encompassing both appropriate legislation and effective enforcement – and a clear set of standards on burial ground protection enshrined in a recognised code of practice incorporating religious, legal and technical considerations.

One of the most important aspects of our work in this sphere is a research project aiming to collate legislation and practice affecting burial grounds throughout Europe, which we believe to be the first of its kind. Reports produced will be used as the basis for high-level advocacy and awareness-raising activities to bring about the development of a more effective normative framework for cemetery protection.

1.2 Report Objectives

Carried out in the context of the second strand of the project's activities as outlined above, the ultimate objective of this research work is to analyse the effectiveness of the current protection and preservation regime for burial grounds throughout Europe and to offer proposals as to how the situation could be improved.

This paper presents the findings of preliminary research on the protection and preservation of Jewish cemeteries and mass graves in Estonia which – in providing an overview of the current situation of cemeteries, the key legislative provisions which are particularly appropriate to them and the enforcement of a number of these provisions – offers a solid foundation for future action and research.

2. Jewish Burial Grounds: An Overview

Known variously by the Hebrew *bet kevarot* (house of tombs), *bet olam* (house of eternity), *bet chayyim* (house of the living) and *bet shalom* (house of peace), Jewish burial grounds are sacred sites which, according to Jewish tradition, must remain undisturbed in perpetuity. As such, the term ‘former Jewish cemetery’ is erroneous. This is of the utmost importance for the *Lo Tishkach Foundation*, meaning that all Jewish burial grounds, visible or otherwise, fall under its remit.

Showing proper respect for the dead (*kevod ha-met*) is intrinsic to Jewish law. The connection between the soul and the human body after death is an essential aspect of Jewish belief in the eternity of the soul. This manifests itself in prohibitions against autopsy, disinterring the dead (*pinui met v’atzamot*),¹ deriving benefit (*issur hana’ah*) from a corpse or grave, or performing various practices thought to ‘ridicule the helpless’ (*loeg l’rosb*).²

It can also be seen in the requirement for:

- A prompt burial;
- The waiver of various rabbinic restrictions on Shabbat and religious holidays to ensure proper care of the dead;
- The ritual bathing and dressing of the body (*tabara* and *tachrichim*);
- Laws concerning proper conduct in a cemetery.

Establishing a cemetery is one of the highest priorities for a new Jewish community, as Jewish bodies must be buried in a permanent plot on Jewish-owned land sanctified for this purpose. If this is not possible, burials may take place in a non-Jewish cemetery with a visible separation from non-Jewish graves by a solid barrier or a definite space of no less than four cubits (approximately 1.8 metres).

To ensure that the necessary requirements are properly met and that each member of the community is afforded a proper burial, the Jewish community’s burial society (*chevra kadisha*) provides its services free of charge. Participation in the society, performed on a voluntary basis, is considered to be particularly laudable as tending to the dead is ‘true kindness’ (*chesed shel emet*), undertaken without expectation of a reward.

¹ Generally speaking, Jewish law (*halacha*) sharply condemns the excavation and removal of corpses from their gravesites even if they will be reburied; exhumations are only permitted in exceptional circumstances and under full rabbinical supervision.

² Such practices include not only making derogatory remarks or joking in the presence of the dead but also ‘any indulgence in the pleasures and needs of the living’ such as eating, drinking or smoking. Source: Lamm, M., *The Jewish Way in Death and Mourning*, Jonathan David: New York, 2000.

3. Background on Jewish Burial Grounds in Estonia

3.1 *Historical Background*

3.1.1 Jewish Community of Estonia³

From the early 13th until the late 16th century, Teutonic knights and Danes ruled over different parts of the territory that today constitutes Estonia. Although they virtually outlawed any Jewish presence in the areas under their rule, individual Jews are believed to have temporarily resided in Tallinn in the 14th and 15th centuries. Restrictions on Jewish settlement were eased under Swedish rule, which began with the end of the Livonian War in 1583. The first reliable mention of Jewish presence in Estonia dates back to this period and refers to a group of Jews in the city of Pärnu.

After the Great Northern War, in 1721, Sweden ceded Estonia to the Russian Empire. Since the so-called Pale of Jewish Settlement established in the Russian Empire in the second half of the 18th century did not include the territory of present-day Estonia, Jews were required to obtain special permits to reside in this part of the Baltics. Those who were allowed to live in Estonia established a prayer house and a Jewish cemetery in Tallinn in the 1820s.

In 1827, the tsarist army began recruiting Jews, who – depending on their status in the army – were called ‘cantonists’ or ‘Nikolai’s soldiers’ (after Tsar Nikolai I). Beginning in 1865, Jewish soldiers as well as Jews satisfying certain criteria pertaining to their education and profession were authorised to reside outside the Pale of Settlement and thus contributed to the establishment of a permanent Jewish community in Estonia including Jewish schools and welfare organisations.

Accused of being responsible for the assassination of Tsar Alexander II in 1881, Russian Jewry was hit by a year-long wave of pogroms. In Estonia, however, anti-Jewish repression consisted primarily of professional and residential restrictions.

After the end of the 1918-1920 Estonian War of Independence, in which more than 110 Jews were mobilised, a number of Jewish institutions and organisations were established throughout the country, including a Jewish secondary school in Tallinn. On 26 June 1926, the Estonian government granted the country’s Jewish community cultural autonomy, which led to the creation of a Jewish council responsible for cultural and educational matters. All Jewish organisations, however, were immediately shut down after the Soviet invasion in June 1940. A year later, on 14 June 1941, 400 Jews were forcibly deported to interior Russia.

By the eve of the German invasion in August 1941, about 75 per cent of Estonian Jews had escaped to unoccupied parts of the Soviet Union. Within less than half a year, the Germans killed virtually all 1000 Jews who had remained in the country, including Estonian Chief Rabbi Aba Gomer.

In 1942-1943, the Germans established about twenty-four labour and concentration camps, located mainly in north-eastern Estonia. Thousands of Jews from West and Central European countries – primarily Germany, France, Czechoslovakia and Poland – were deported to these camps. After periods of forced labour, most of them were killed at these locations and elsewhere in the country until the arrival of the Red Army in September 1944.

³ The information in this section is based on Gurin-Loov, Eugenia, *Jews in Estonia*; Gurin-Loov, Eugenia and Gramberg, Gennadi, *Eesti Juudi Kogukond*; Estonian International Commission for the Investigation of Crimes Against Humanity, *Conclusions of the Commission*.

Shortly thereafter, Estonian Jews who had survived the war in the Soviet Union began returning to the Baltic country. Jewish cultural autonomy, however, was not restored under Soviet rule, and no Jewish organisation was allowed to function permanently until 1988, when a Jewish cultural society was established with the aim to restore Jewish community life. A number of additional community organisations were set up in 1988-89, including a sports club, a students' union and a veterans' organisation. By 1989, more than 3500 Jews lived in Estonia. The Jewish Community of Estonia, uniting the different Jewish organisations, was formally registered in April 1992. A floor of the Jewish community centre was dedicated as a synagogue in 2000, and in May 2007, an entirely new synagogue building was opened in Tallinn. Today, both the Jewish Community of Estonia (*Eesti Juudi Kogukond*) and the Jewish Religious Community-Estonian Jewish Centre (*Eesti Juudiusu Kogudus*) serve the needs of Jews in Estonia by providing a range of religious, social and educational services. Regional Jewish communities exist in Narva, Tartu and Ida-Viru.

3.1.2 Jewish Cemeteries in Estonia

All of Estonia's Jewish cemeteries known today were established in the 19th or 20th century. Unlike in most other countries of the former Soviet Union, where Jewish cemeteries tend to function as sections of municipal cemeteries, in Estonia most Jewish cemeteries are separate burial grounds, although frequently located near municipal ones.

Since durable Jewish settlement in Estonia did not begin until the second half of the 19th century, the country's Jewish community is almost exclusively urban, which explains why all Jewish cemeteries in Estonia are located in or near cities which used to have or still have Jewish communities.

Whilst most of the country's Jewish cemeteries survived both Nazi and Soviet occupation at least partially, a few of them disappeared almost entirely, as for instance Tallinn's Magasini Jewish Cemetery, Tartu's Old Jewish Cemetery and the Jewish cemetery in Narva.

3.1.3 Jewish Mass Graves

Holocaust mass killings of Jews in Estonia began with the German invasion in August 1941. Within about six months, the Nazis killed virtually all 1000 Jews in Estonia who had not fled to unoccupied parts of the Soviet Union.

In autumn 1942, Jews deported from Western and Central Europe began arriving in Estonia to be taken to labour and concentration camps, twenty-four of which were established by the German occupiers on Estonian territory. A first wave of mass killings occurred in September 1942, when many Czech and German Jews were murdered at the Kalevi-Liiva concentration camp. A second wave was initiated as the Germans began evacuating the camps in light of the Red Army's approach in summer 1944. In the course of the evacuation, more than 5000 Jews were killed.⁴

Further historical research is necessary to establish the exact location of World War II mass graves in Estonia, for not all concentration and labour camps in Estonia were sites of systematic killing. Similarly, not all killing sites can be considered mass graves, as during and after the war, some victims were reburied elsewhere, for example in Jewish cemeteries.

⁴ Estonian Jewish Museum, *Museum Catalogue*, pp. 6-7.

A number of mass graves were equipped with memorial markers throughout the 1950s and 1960s. However, these markers rarely specified the identity of the victims or the historic circumstances surrounding their death. According to former Jewish Community Chairperson Cilja Laud, a private initiative began developing a memorial for Klooga concentration camp after Estonian independence in 1991.⁵ Inaugurated in 1994, the memorial provides accurate information about the site and the identity of the victims killed there.

As a result of a 2003 agreement between the United States and Estonia, a joint commission was established to co-ordinate a project on Holocaust markers. According to its chairman, Undersecretary Anton Pärn of the Estonian Ministry of Culture, eight such markers have been erected so far. More markers are to be erected in the future.⁶

3.2 Numbers & Documentation

The exact number of Jewish burial grounds in Estonia is unknown. Whilst the Jewish community holds information on eleven Jewish cemeteries⁷, data is lacking on the exact number and location of mass graves. This is mainly due to the fact that although mass killings occurred at several camp and execution sites, a number of victims were reburied elsewhere during and after World War II. According to data of the Estonian Jewish Museum, World War II mass killings of Jews in Estonia occurred at ten different sites; further killings happened at an unknown number of concentration and labour camps, of which the Germans established twenty-four.⁸

With regards to documentation of individual Jewish cemeteries, the Jewish Religious Community has produced a complete burial register for Tallinn's Rahumäe Jewish Cemetery.⁹

3.3 Ownership & Maintenance

3.3.1 Ownership

Municipalities are the main owner of the land of both Jewish cemeteries and mass graves. The Jewish cemeteries in Pärnu and Tartu (New Cemetery), however, belong to the Jewish community.¹⁰ On 28 October 2004, the Tallinn Cemetery Authority (*Tallinna Kalmistud*) transferred ownership of the buildings located in Tallinn Rahumäe Jewish Cemetery to the Jewish Religious Community.¹¹ The land of Tallinn Magasini Jewish Cemetery, of which no visible traces remain, is privately owned. According to Ly Pärn of the Tallinn City Government, the owner of the land has agreed to prevent any development to take place at the site. In the past, the area used to serve as a parking lot.¹²

The land of most mass grave sites is owned by municipalities.¹³

⁵ Cilja Laud, Tallinn, 2 June 2009

⁶ Anton Pärn, Tallinn, 2 June 2009

⁷ *Jewish Heritage in Estonia*, provided by the Jewish Community of Estonia. The Jewish cemetery in Valga, although mainly used by Estonian Jews, is located on Latvian territory.

⁸ *Holocaust in Estonia*, Map at the Estonian Jewish Museum, Tallinn, 2 June 2009.

⁹ Boris Oks, Chairman, Jewish Religious Community, Tallinn, 2 June 2009.

¹⁰ *Jewish Heritage in Estonia* and Cilja Laud, 2 June 2009.

¹¹ *Memo – Jewish Burial Places in the City of Tallin and Maintenance Thereof*, provided by the Jewish Community of Estonia.

¹² Ly Pärn, Chief Specialist of Maintenance Division, Tallinn City Government Environment Department, Tallinn, 1 June 2009.

¹³ Cilja Laud, Tallinn, 2 June 2009.

3.3.2 Maintenance

As the main owner, municipalities provide basic maintenance of cemeteries, which typically extends to the general infrastructure of the site but not to individual graves.¹⁴ The Jewish community is directly responsible for maintaining the Jewish cemeteries in Pärnu and Tartu (New Cemetery), of which it is the owner.

In Tallinn, maintenance services provided by the municipality include waste disposal as well as the provision of electricity and special care required in winter.¹⁵ According to the Jewish Religious Community, the level of municipal maintenance provided at Tallinn Rahumäe Jewish Cemetery, as well as the degree of co-operation between the Tallinn municipality and the Jewish community, tend to be higher than elsewhere in the country.¹⁶ Registered as a site of cultural heritage, the site also benefits from additional funds not available to cemeteries that do not enjoy landmark status. Thanks to the cemetery's status, the renovation of the buildings located within its boundaries was subsidised by the state.¹⁷ The only Jewish cemetery outside Tallinn to be listed as a site of cultural heritage is located in the city of Rakvere.¹⁸

3.4 **Current State**

Whilst all known eleven Jewish cemeteries in Estonia are identified as such, the delineation and/or demarcation of a number of sites need to be improved.

According to information provided by the Jewish community, the Jewish cemeteries in Narva (of which no visible traces remain) and the old Jewish cemetery in Tartu (of which only a few gravestones remain) are in urgent need of delineation and demarcation. The Tallinn Magasini Jewish Cemetery, although completely razed to the ground, is properly delineated and equipped with a memorial plaque.¹⁹

The Jewish cemeteries in Pärnu, Rakvere, Tallinn (Rahumäe), Tartu (Roosi Street Cemetery and New Cemetery), Valga (on Latvian territory), Viljandi and Võru are demarcated, but at several sites, the fence or wall surrounding the burial ground needs to be repaired.²⁰

Mass graves located at concentration and labour camps, or sites that have been equipped with memorial markers in recent years under the joint US-Estonian Holocaust markers project, are typically in a good state since they receive regular maintenance by municipalities.²¹ Further research is necessary to establish the situation for the remainder of mass grave sites.

3.5 **Main Threats**

A major threat for both Jewish cemeteries and mass grave sites in Estonia is nature in combination with neglect: since municipal maintenance does not include care for individual

¹⁴ Boris Oks, Tallinn, 2 June 2009.

¹⁵ *Ibid.*

¹⁶ Chief Rabbi Shmuel Kot, Tallinn, 2 June 2009.

¹⁷ Boris Oks, Tallinn, 2 June 2009.

¹⁸ *Jewish Heritage in Estonia* and Cilja Laud, Tallinn, 2 June 2009.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ Anton Pärn, Tallinn, 2 June 2009.

graves, vegetation overgrowth is a problem at a number of sites.²² Current or future economic development may endanger unidentified and/or undemarcated mass grave sites.

Cases of vandalism have been a rare phenomenon in Estonia. When they do occur, the resulting damage is usually repaired by the local municipality.²³

²² Ly Pärn, Tallinn, 1 June 2009.

²³ *Ibid.*

4. Legal Instruments

A sound legislative environment is crucial in order to guarantee the lasting protection of Estonia's Jewish burial grounds. This section investigates to what extent existing legal instruments at various levels can provide such protection.

4.1 *Estonian Legislation*

Several key provisions in Estonian legislation affect the protection and preservation of the country's Jewish burial grounds. These can be found within the following legislative areas: the Estonian constitution, legislation on ethnic minorities, cultural heritage legislation as well as the criminal code.

4.1.1 Estonian Constitution

The *Constitution of the Republic of Estonia*²⁴ contains a number of articles which may be invoked in campaigning for identification and better protection of Jewish burial grounds in Estonia. Article 33, which stipulates that "property shall not be used contrary to the public interest", may be relevant in cases of inappropriate use of the land of a cemetery or mass grave site by its legal owner.

4.1.2 Legislation on Ethnic Minorities

The protection of Estonia's Jewish cemeteries and mass graves under both cultural and religious aspects may also be addressed using certain provisions of the 1993 *National Minorities Cultural Autonomy Act*.²⁵ Particularly relevant are:

- Section 3 (1): "A person of a national minority has the right to maintain his or her ethnic belonging, cultural customs, mother tongue and religion."
- Section 3 (2): "It is prohibited to denigrate the customs and religious practices of any national culture, and to hinder the performance thereof, and it is also prohibited to engage in any activity aimed at forcing the members of a national minority to adopt the national characteristics of another nation."

4.1.3 Cultural Heritage Legislation

Estonia's *Heritage Conservation Act*²⁶ specifically mentions cemeteries as potential cultural monuments that may receive special legal and practical protection.²⁷ However, currently only

²⁴ An English translation is available from the website of the Estonian President at <http://www.president.ee/en/estonia/constitution.php>

²⁵ <http://www.legaltext.ee/text/en/XX00038.htm> (unofficial English translation). In Estonia, as in most other former Soviet republics, the term 'nationality' may also refer to an individual's ethnicity. As such, it may mean Estonia, Russian or Jewish, for example.

²⁶ An unofficial English translation is available from the Unesco Cultural Heritage Laws Database at http://www.unesco.org/culture/natlaws/media/pdf/estonia/est_heritage_conservation_act_engorof.pdf

²⁷ Paragraph 3 (2), item 5.

Rakvere and Tallinn Rahumäe Jewish cemeteries are listed as sites of cultural heritage.²⁸ Extending this status to more Jewish cemeteries and mass graves in Estonia may be an option to ensure their better protection.

Under the Act, the owners of cultural monuments are responsible for their preservation in accordance with legally required standards²⁹, which in the case of Jewish burial grounds would place the financial burden for proper maintenance mostly on municipalities. The Act encourages municipalities to play a key role in identifying and protecting monuments located within their jurisdiction.³⁰

The Act prohibits the destruction of a cultural monument (paragraph 5). Furthermore, it establishes protected zones around monuments, which are to be registered in the cadastre (paragraph 13).

4.1.4 Criminal Code

The Estonia Criminal Code³¹ provides a particularly strong basis for the punishment of acts of vandalism and desecration perpetrated at burial sites. Paragraph 199 states the following: “desecration of a memorial or other decoration erected on a cemetery, grave or other place ... or in graves or other last resting places, or other debasement of the memory of the buried, is punishable by a fine or detention or up to three years’ imprisonment”.

4.2 *Bilateral Agreements*

On January 16, 2003, the United States and Estonia signed an *Agreement on the Protection and Preservation of Certain Cultural Properties*.³² In article 1, the signatories agree, *inter alia*, to “protect and preserve the cultural heritage of all national, religious, or ethnic groups ... that reside or resided in its territory, including victims of genocide during the Second World War.”

Specifically mentioning cemeteries and ‘memorials to the dead’ as part of this cultural heritage, the Agreement has led to the establishment of the Joint Cultural Heritage Commission based on the Estonian Ministry of Culture Directive N° 5 of January 16, 2004. As previously mentioned, the Commission has been responsible for running a Holocaust markers project in the course of which eight memorials have been erected so far.

4.3 *International & European Conventions*

International and European support for the protection and preservation of Jewish burial grounds can most clearly be found in the cultural heritage sphere. Estonia has ratified a number of key UNESCO- and Council of Europe-monitored legal instruments as detailed below. These Conventions have been excellent standard-setters and are invaluable in terms of encouraging the development of effective cultural heritage policy. They are, however, essentially unenforceable in spite of their legally binding nature.

²⁸ Cilja Laud, 2 June 2009

²⁹ Paragraph 16

³⁰ Paragraph 9

³¹ Criminal Code (consolidated text May 2002), <http://www.legaltext.ee/en/andmebaas/ava.asp?m=022>

³² <http://www.heritageabroad.gov/agreements/doc/estonia.pdf>

As such, while the signatories of binding legal instruments make a commitment to bringing their national legislation in line with their conditions, these instruments cannot be used to either demand changes to legislation or to guarantee that such legislation is properly applied. Furthermore, only very few Jewish burial grounds in Estonia are currently recognised as national cultural heritage.

International and European human rights instruments guaranteeing religious freedom, the right to privacy and family life and the right to private property are also of interest with regard to the protection of Jewish burial grounds. These provisions can be found in the International Covenant on Civil and Political Rights (ICCPR),³³ and in the European Convention on Human Rights (ECHR).³⁴ Both instruments are legally binding on state parties; the ICCPR is monitored by the Human Rights Committee,³⁵ while the ECHR is enforced by the European Court of Human Rights.³⁶ The status of Estonia's signing and ratification of relevant conventions is detailed in the following.

4.3.1 International Conventions

- *1966 International Covenant on Civil and Political Rights*: Ratified 21 Oct. 1991
- *1972 Convention on the Protection of the World Cultural and Natural Heritage*: Ratified 27 Oct. 1995.
- *1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export & Transfer of Ownership of Cultural Property*: 27 Oct. 1995.
- *1954 (Hague) Convention for the Protection of Cultural Property in the Event of Armed Conflict*: Acceded 4 Apr. 1994; *First Protocol*: Acceded 17 Jan. 2005; *Second Protocol*: Approved 17 Jan. 2005.

4.3.2 Council of Europe Conventions

- *2005 Framework Convention on the Value of Cultural Heritage for Society*: Not signed.³⁷
- *2000 European Landscape Convention*: Not signed.
- *1998 Convention on the Protection of Environment through Criminal Law*: Ratified 26 Apr. 2002³⁸
- *1992 European (Valletta) Convention on the Protection of the Archaeological Heritage (revised)*: Ratified 15 Nov. 1996.
- *1985 European Convention on Offences relating to Cultural Property*: Not signed.³⁹

³³ Available at <http://www2.ohchr.org/english/law/ccpr.htm>.

³⁴ Available at <http://conventions.coe.int>.

³⁵ States that have signed the First Optional Protocol to the ICCPR agree to allow persons within the member state to obtain an opinion from the Committee regarding violations of that Covenant. For those countries, the Human Rights Committee can thus function as a mechanism for the international redress of human rights abuses, similar to the regional mechanisms afforded by the Inter-American Court of Human Rights or the European Court of Human Rights. It remains disputed, however, whether the Human Rights Committee's in principle non-binding final views qualify as decisions of a quasi-judicial body or simply constitute authoritative interpretations on the merits of the cases brought before them for the members of the Optional Protocol of the Covenant on Civil and Political Rights.

³⁶ Any person who feels his rights under the Convention have been violated by a State Party can take a case to the Court in accordance with Protocol 11, which states the jurisdiction of the Court to rule over cases brought against States Parties by individuals. Recognition of the right of individual application was, however, optional and it could therefore be exercised only against those States which had accepted it, until the acceptance of Protocol 11 was made compulsory. The decisions of the Court are legally binding, and the Court has the power to award damages.

³⁷ At the time of writing, this Convention had not yet come into effect as a result of insufficient ratifications (ten are needed, but only eight had been received).

³⁸ At the time of writing, this Convention had not yet come into effect as a result of insufficient ratifications (three are needed, but only Estonia's had been received).

- *1954 European Cultural Convention*: Ratified 7 May 1992.
- *1950 European Convention for the Protection of Human Rights and Fundamental Freedoms*: Ratified 16 Apr. 1996.

³⁹ At the time of writing, this Convention had not yet come into effect as a result of insufficient ratifications (three are needed, but none had been received).

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APPENDIX 2 – LIST OF KNOWN JEWISH BURIAL GROUNDS IN ESTONIA

Jewish Cemeteries

Narva Jewish cemetery
Pärnu Jewish cemetery
Rakvere Jewish cemetery
Tallinn Magasini Jewish cemetery
Tallinn Rahumäe Jewish cemetery
Tartu Old Jewish cemetery
Tartu New Jewish cemetery
Tartu Roosli Street cemetery
Valga Jewish cemetery
Viljandi Jewish cemetery
Võru Jewish cemetery

Mass Graves and Killing Sites

Ereda
Harku
Kalevi-Liiva
Kiviõli
Klooga
Kuressaare
Metsakalmistu
Narva
Pärnu
Põltsamaa
Rakvere
Tallinn Patarei Central Prison
Tallinn Jewish women's mass grave
Tartu
Vaivara
Valga