



LO TISHKACH  
FOUNDATION  
EUROPEAN JEWISH  
CEMETERIES INITIATIVE

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

*Latvia*

*June 2009*

 Claims Conference ועידת התביעות  
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CONFERENCE OF EUROPEAN RABBIS ועידת רבני אירופה



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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 9,500 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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*Latvia*

*Prepared by Andreas Becker for the Lo Tishkach Foundation in June 2009 with the support of the Conference on Jewish Material Claims Against Germany & the Conference of European Rabbis.*

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The *Lo Tishkach Foundation* further thanks Jānis Asaris and Andris Šnē of the Latvian State Inspection for Heritage Protection for giving invaluable insight into their work on Jewish cemeteries and mass graves in Latvia.

The *Lo Tishkach Foundation* is also indebted to the United States Commission for the Preservation of America's Heritage abroad and its Research Director, Samuel D. Gruber, whose forthcoming report on Latvia has been the major framework for the collection of data on Jewish burial grounds in recent years. Given the limited scope of the present preliminary report, the U.S. Commission's report has proven as a useful source of information on the current state of numerous sites.

## EXECUTIVE SUMMARY

- **Numbers:** The number of known Jewish burial grounds in Latvia currently stands at 170, including 70 cemeteries and 100 mass graves. Up to 100 additional mass graves are believed to be located in Latvia, which would increase the total number of Jewish burial grounds in the country to 270. Only eight cemeteries are still in use.
- **Ownership:** Municipalities own the majority of Latvia's Jewish cemeteries. Four Jewish cemeteries are the property of Jewish communities or private individuals. Similarly, municipalities or other public bodies own most mass grave sites, less than twenty of which are located within the property of private individuals.
- **Maintenance:** Maintenance varies greatly from one site to another. More than half of the Jewish cemeteries receive no maintenance at all. Approximately twenty, including all eight cemeteries currently in use, receive basic maintenance. Up-to-date information on the state of maintenance at mass grave sites is lacking, except for the forty sites at which memorial markers have been placed over recent years and where most municipalities have agreed to provide basic maintenance. Maintenance of both cemeteries and mass graves may be provided by Jewish communities, private individuals, youth projects etc. on a voluntary basis.
- **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 Latvia. They include the Latvian constitution, legislation on minority rights, cultural heritage legislation as well as the criminal code.
- **Recommendations:**
  - Identification and demarcation of all Jewish cemeteries and mass graves sites in Latvia;
  - 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 in order to protect them from further decay, vandalism and encroaching development;
  - Continuous signposting of mass grave sites, both to afford better protection and to protect 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](http://www.lo-tishkach.org)) and currently features data on over 9,500 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 Latvia 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*),<sup>1</sup> deriving benefit (*issur hana’ah*) from a corpse or grave, or performing various practices thought to ‘ridicule the helpless’ (*loeg l’rosh*).<sup>2</sup>

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.

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<sup>1</sup> 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.

<sup>2</sup> 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 Latvia

#### 3.1 *Historical Background*

##### 3.1.1 Jewish Community of Latvia

Durable Jewish presence in Latvia dates back to the late 16<sup>th</sup> century. The crusaders of the German Order, ruling over large parts of the Baltic region between the 13<sup>th</sup> century and the mid-16<sup>th</sup> century, had prohibited Jewish settlement in the areas under their control. However, after the Order's signing of a capitulation treaty with Poland and Lithuania in 1561, these prohibitions disappeared.

In 1570, Jews were granted the right to settle in certain areas of what is today the western region of Kurzeme, which at that point had fallen under Danish rule. A few decades later, Jews also began settling in the central Zemgale region. Jewish immigration to these parts of the country originated primarily in Germany. In 1799, the Russian Empire gained control over Kurzeme and Zemgale. Although located outside the 'Pale of Settlement' – where most of Russia's Jews were required to reside – these regions were home to more than 50,000 Jews by the mid-19<sup>th</sup> century.<sup>3</sup>

Jewish immigration to the eastern region of Latgale was mainly of Byelorussian, Lithuanian, Polish and Ukrainian origin and began in the early 17<sup>th</sup> century, following severe pogroms in these countries. When Latgale became part of the Russian Empire in 1772, its Jewish population numbered around 5,000.<sup>4</sup>

In the 1880s, about 20,000 Jewish refugees trying to escape pogroms in different parts of the Russian Empire arrived in Latvia, increasing the country's Jewish population to 142,315 in 1897 (i.e. 6.2 per cent of the total population), according to the first general census of the Russian Empire.<sup>5</sup>

By the eve of World War I, the number had climbed to 190,000, but was reduced by half between 1915 and 1920, when about 80,000 Jews – accused of responsibility for the Russian defeat in the war – were deported to interior Russia.<sup>6</sup> Only about 12,000 deportees returned to Latvia in the 1920s.<sup>7</sup> In addition to forced deportations, some 6,000 Latvian Jews emigrated between 1918 and 1940, mainly to Palestine.<sup>8</sup>

About 1,200 Jews, i.e. a proportionate number compared to the general population, fought in the struggle for Latvian independence after World War I. During the short period of Latvian independence between 1918 and 1940, 93 per cent of the country's Jewish population became Latvian citizens.<sup>9</sup>

Some regional cultural differences had persisted between the different regions of Jewish settlement in Latvia since the beginning of Jewish immigration to the Baltic State. While German

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<sup>3</sup> Sloane, Joanna, *The Virtual Jewish History Tour: Latvia*, Jewish Virtual Library, <http://www.jewishvirtuallibrary.org/jsource/vjw/Latvia.html>

<sup>4</sup> Dribins, Leo; Gūtmanis, Armands; Vestermanis, Marģers, *Latvia's Jewish Community: History, Tragedy, Revival*, Ministry of Foreign Affairs of the Republic of Latvia, <http://www.mfa.gov.lv/en/ministry/4265/4299/>

<sup>5</sup> Volkovich, Boris, 'Jews in Latvian in the Period Between the Two World Wars', in: Barkahan, Menachem Rabbi (ed.), *Extermination of the Jews in Latvia 1941-1945*, Society Shamir: Riga, 2008, p. 5

<sup>6</sup> Dribins, Leo *et al.*,

<sup>7</sup> Volkovich, p. 5

<sup>8</sup> *Idem*, p. 7

<sup>9</sup> *Idem*, p. 8

culture influenced the Jews of Kurzeme and Zemgale, the Jews of Latgale were more connected to Russian Jewry. In the capital Riga, both cultural influences were prevalent among the Jewish population.<sup>10</sup> Most Jews of Latvia's highly urban community worked in industrial and commercial professions.

Granted cultural autonomy one year after Latvian independence, Jews were recognised as a national minority and Jewish politicians were repeatedly elected to the national parliament until 1934, when the emergence of an authoritarian regime put an end to the parliamentary period of the Latvian Republic. The following years saw an increase in the number of anti-Semitic articles in the press, the rise of nationalist parties and organisations, the end of employment of Jews by public institutions as well as an increase in anti-Semitic violence.<sup>11</sup>

Following their 1940 invasion of Latvia, the Soviets shut down all Jewish political and religious organisations and deported some 5,000 Jews – mainly members of the intelligentsia – to interior Russia.<sup>12</sup>

When the Germans attacked Latvia on June 22, 1941, 15,000 of the country's 93,000 Jews<sup>13</sup> escaped to the unoccupied areas of the Soviet Union. Those who remained in the country found themselves immediately exposed to looting and pogroms, perpetrated both by the Germans and locally-recruited auxiliary police.<sup>14</sup> Barely a month after their invasion, the Germans issued directives which in addition to confiscating most Jewish property restricted almost every aspect of everyday life for the Jewish population. Ghettos were established in Riga, Daugavpils and Liepaja.

30,025 Jews had already been killed on Latvian soil when systematic mass shootings began in November 1941. On November 30 and December 8, 1941 alone, 25,000 inhabitants of the Riga ghetto were shot dead in the Rumbula Forest in the city's outskirts.<sup>15</sup> Virtually all inhabitants of the Liepaja ghetto were killed between December 14 and 16 of the same year. The extermination of the population of the Daugavpils ghetto took place on December 9, 1941 and May 1, 1942. By December 1941, only 6,000 of those Jews that had been in the country at the moment of the German invasion were still alive.<sup>16</sup>

After the near-extirmination of Latvian Jewry, the Germans began deporting Jews from Germany, Austria, Czechoslovakia and other European countries to Latvia. Some deportees were forced to move into the empty flats of murdered Latvian Jews located inside the ghettos, others were shot dead immediately after their arrival in Latvia, e.g. at the Bikernieki Forest outside Riga.<sup>17</sup> German records indicate the presence of 12,694 Jews in Latvia by February 1943, most of them deportees from different European countries.<sup>18</sup> Those able to work were taken to concentration camps, the last of which was dismantled in September 1944, when the approaching Red Army prompted the Germans to execute numerous inmates. Others were transferred to concentration camps in Poland and Germany.

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<sup>10</sup> *Idem*, pp. 9-10

<sup>11</sup> *Idem*, pp. 19-30

<sup>12</sup> Zalmanovich, Miriam, 'The Holocaust of Latvian Jewry (An Overview)', in: Barkahan, Menachem Rabbi (ed.), *Extermination of the Jews in Latvia 1941-1945*, Society Shamir: Riga, 2008, p. 37

<sup>13</sup> According to a 1935 census; Zalmanovich, p. 36

<sup>14</sup> Zalmanovich, pp. 40-41

<sup>15</sup> *Idem*, p. 60

<sup>16</sup> *Idem*, p. 61

<sup>17</sup> *Idem*, pp. 61-65

<sup>18</sup> *Idem*, p. 65

70,000 Latvian Jews perished in the Holocaust. About 1,300 survived the systematic extermination, 300 of them in hiding with the support of non-Jewish Latvians.<sup>19</sup> After the end of the war, 3,000 Jewish survivors returned to Latvia, which became part of the Soviet Union. Over the years, Jews from other parts of the Soviet Union also moved to what was then called the Latvian Soviet Socialist Republic.

Currently, the Jewish population of Latvia stands at 9,000. The country's communities are federated under the umbrella of the Council of the Jewish Communities of Latvia (hereafter: Council). There are synagogues in Riga, Daugavpils, Liepaja and Rezekne. The Riga Jewish community with its cultural, educational and social infrastructure is the centre of Jewish life in Latvia.

### 3.1.2 Jewish Cemeteries in Latvia

Most Jewish cemeteries in Latvia of which physical traces remain today were established in the 19<sup>th</sup> or 20<sup>th</sup> centuries. Less than a quarter of the 58 visible cemeteries date back to the 18<sup>th</sup> century.

Reflecting the traditional structure of the community, the majority of the cemeteries are located in urban and suburban areas.<sup>20</sup> The Jewish cemeteries in Auce, Daugavpils, Kuldīga and the new Jewish cemetery in Liepaja are sections of municipal cemeteries; all other Jewish cemeteries are separate burial grounds.<sup>21</sup>

Some cemeteries, such as the Embute Jewish cemetery, used to serve several small surrounding communities that could not afford to establish and maintain their own burial grounds.<sup>22</sup>

While the Nazis did not systematically vandalise Latvia's Jewish cemeteries, desecrations did occur occasionally. These consisted mainly of the removal of gravestones, as for instance in Jelgava.<sup>23</sup> Riga's old Jewish cemetery, dating from 1725, however, was severely vandalised during the German occupation: on July 4, 1941, all the cemetery's buildings and structures were burned down.<sup>24</sup>

Under Soviet rule, a number of Jewish cemeteries – especially in areas left without Jewish presence after the Holocaust – were razed to the ground. In Daugavpils, the 18<sup>th</sup>-century cemetery was destroyed in the 1950s, with human remains being reburied in the Jewish section of the city's municipal cemetery.<sup>25</sup> In Dobele, flats were constructed at the site of the razed cemetery, while the old Krustpils cemetery was replaced by a park. The gravestones from this cemetery were subsequently transferred to the city's new Jewish cemetery, established in 1956.<sup>26</sup> In the 1960s, all gravestones from Riga's old Jewish cemetery – which had already been severely vandalised under the Nazis – were moved to an unknown location.<sup>27</sup>

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<sup>19</sup> *Idem*, pp. 66-67

<sup>20</sup> Meyer Meler, Project Manager for Jewish Cemeteries and Mass Graves, Latvian Jewish Museum, Riga, 4 June 2009

<sup>21</sup> *Ibidem*

<sup>22</sup> *Ibidem*

<sup>23</sup> *Ibidem*

<sup>24</sup> *Ibidem* and Meyer Meler, *Jewish Cemeteries in Latvia*, Shamir: Riga, 2006, p. 85

<sup>25</sup> Meler, p. 24

<sup>26</sup> Meyer Meler, Riga, 4 June 2009 and Meyer Meler, p. 57

<sup>27</sup> Meler, p. 85

### 3.1.3 Jewish Mass Graves

The majority of Latvian Jews who perished in the Holocaust were killed in mass shootings. In addition, approximately 30,000 Jews mainly from Germany, Austria and the Czech Republic were deported to Latvia between 1941 and 1944 in order to be shot to death in the Baltic state. The victims of these killings are buried in up to 200 mass graves located all over the country.

According to Meyer Meler, there exist two types of mass graves. Firstly, the actual sites where massacres took place between 1941 and 1944. Secondly, places of reburial where the remains of those killed in the Holocaust were re-interred between the end of the war and the 1960s. Jewish cemeteries located near the killing sites were frequently chosen as places of reburial (e.g. the Saldus and Daugavpils Jewish cemeteries).<sup>28</sup> While some mass graves in Latvia may contain the remains of only a few individuals, others are burial grounds for up to 35,000 Holocaust victims. Most of the inhabitants of the three World War II Jewish ghettos in Latvia – Riga, Daugavpils and Liepaja – were killed inside or near these cities.

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 and the historic circumstances surrounding their death. Typically, these identifying markers read differently according to the language in which they are written: older markers in Russian (and Latvian) used to mention ‘Soviet patriots’ or ‘victims of fascism’. Markers in Yiddish, when available under Communism, mentioned the victims’ Jewish identity.<sup>29</sup>

Since 2005, the Council has erected memorial markers at forty different mass grave sites. According to the community, these memorial markers – which are usually unveiled in a joint ceremony with the municipality – receive positive reactions from the local population.<sup>30</sup> Another ten markers are to be inaugurated in the near future.<sup>31</sup>

In recent years, however, signposting has occasionally led to conflicts between the Council and municipalities, with the latter showing opposition to the specific mentioning on memorial markers of the collaboration between the Nazi occupiers and local auxiliaries in the killing of the Jewish population. Most prominently, in the case of the Riga Rumbula Forest Holocaust memorial, the American Embassy to Latvia and the U.S. Commission for the Preservation of America’s Heritage Abroad chose to intervene in order for the conflict to be solved.<sup>32</sup> The memorial marker erected at the site now reads: “Here, on November 30 and December 8 of 1941 the Nazis and their Latvian collaborators shot to death more than 25,000 Jews who were prisoners of the Riga ghetto.”<sup>33</sup>

## **3.2 Numbers**

The number of known Jewish burial grounds in Latvia currently stands at 170, including 70 cemeteries and 100 mass graves. Up to 100 additional mass graves are believed to be located in

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<sup>28</sup> Meyer Meler, Riga, 4 June 2009

<sup>29</sup> Gita Umanovska, Executive Director, Council of Jewish Communities of Latvia, Bratislava, 18 March 2009

<sup>30</sup> Ilāna Lisagora, Project Manager for Holocaust Memorial Markers, Council of Jewish Communities of Latvia, Riga, 4 June 2009

<sup>31</sup> Arkady Suharenko, Chairman, Council of Jewish Communities of Latvia, Riga, 5 June 2009

<sup>32</sup> Gita Umanovska, Bratislava, 18 March 2009

<sup>33</sup> [http://www.heritageabroad.gov/projects/latvia\\_inscrp.html](http://www.heritageabroad.gov/projects/latvia_inscrp.html)

Latvia, which would increase the total number of Jewish burial grounds in the country to 270. Only eight cemeteries are still in use.<sup>34</sup>

Meyer Meler collected data on 58 cemeteries and the first set of 100 mass graves as part of a U.S. Commission survey conducted between 2001 and 2003. His book<sup>35</sup> and an unpublished U.S. Commission report<sup>36</sup> present the results of his research. Research on the additional 100 mass grave sites is still ongoing, the results of which are expected to be publicly available by summer 2010.<sup>37</sup>

Additional recent research undertaken by the *Lo Tishkach Foundation* has gathered information on twelve cemeteries which feature neither in Meler's book nor in the U.S. Commission report. These are all burial grounds of which no visible physical traces remain.

### **3.3 Documentation**

In order to gather data for the U.S. Commission report and Meler's book, in 2001 and 2002 the Jewish Museum in Riga contacted all Latvian municipalities in order to find out about the existence of Jewish burial grounds in their jurisdiction. According to Meler, most responses received from the municipalities contained cadastral information that helped determine the location of cemeteries and mass graves. The researchers responsible for compiling the documentation then gathered additional information from material stored in different museums and archives throughout the country. In those locations where written documentation was unavailable, the researchers interviewed (mostly elderly) local inhabitants, which sometimes led to the re-discovery of cemetery sites and/or gravestones, as for instance in Demene.<sup>38</sup>

Additional documentation has been produced by German pastor Klaus-Peter Rex, who since 2005 has been organising annual summer cemetery restoration projects involving youth. His projects include the compilation of burial maps and registers as well as photographs. The data collected in the course of these projects is shared with Yad Vashem.<sup>39</sup> Information on the restored Vishki cemetery is available online.<sup>40</sup>

A major project researching the identity of Holocaust victims in Latvia was launched in 2001. A result of the co-operation between the Centre for Judaic Studies at the University of Latvia and several Latvian and international governmental and non-governmental bodies, the 'Names' project aims at establishing a list with the names of all Latvian Jews who died in the Holocaust.<sup>41</sup> Based on the 1935 census in Latvia, it uses a wide range of archival sources both in Latvia and abroad to achieve its goal.

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<sup>34</sup> Meyer Meler, Riga, 4 June 2009

<sup>35</sup> Meyer Meler, *Jewish Cemeteries in Latvia*, Shamir: Riga, 2006.

<sup>36</sup> United States Commission for the Preservation of America's Heritage Abroad, *Jewish Cemeteries and Mass Graves in Latvia*, (forthcoming).

<sup>37</sup> Meyer Meler is planning to publish a book solely dedicated Jewish mass graves in Latvia by then.

<sup>38</sup> Meyer Meler, Riga, 4 June

<sup>39</sup> Klaus-Peter Rex, Pastor of Wülfrath Protestant Community, via telephone, 23 June 2009

<sup>40</sup> <http://usdin.dumes.net/klaus.html>

<sup>41</sup> <http://names.lu.lv>

### 3.4 *Ownership & Maintenance*

#### 3.4.1 Ownership

Municipalities own all but four of Latvia's Jewish cemeteries. In Jelgava, the Jewish community owns the cemetery. The Demene and Lejasciems Jewish cemeteries are the property of private individuals, whereas the ownership status of the Jewish cemetery in Griva is unknown.<sup>42</sup>

Similarly, municipalities or other public bodies such as the national forestry commission own the majority of mass grave sites. Less than twenty sites are located within the property of private individuals.<sup>43</sup>

As highlighted by Council representatives,<sup>44</sup> the issue of ownership for some forty memorial markers that have been erected at mass graves over recent years deserves special attention. Typically, artists design the markers under the auspices of the Jewish community, before these are unveiled and symbolically handed over to municipalities. While no ownership records have been established for the markers, the land on which they are erected usually belongs to the municipality. Consequently, the markers do not enjoy sufficient legal protection, especially in the unlikely event that the land on which they stand is to be sold.<sup>45</sup>

According to Ilya Lensky of the Jewish Museum in Riga, historically, most Jewish cemeteries in Latvia – with the exception of Aizpute and Piltene – have never been the property of the Jewish community. Typically, the land on which they were established was leased from municipalities or other public authorities.<sup>46</sup> As a result, the Jewish community has not attempted to file ownership claims for the country's Jewish burial grounds. Regardless of the historical reasons for this, ownership of these sites would place a heavy financial burden on the community, for it would entail full responsibility for their maintenance.<sup>47</sup>

#### 3.4.2 Maintenance

Maintenance varies greatly from one site to another. More than half of the Jewish cemeteries receive no maintenance at all. Approximately twenty, including all eight cemeteries currently in use, receive basic maintenance.<sup>48</sup>

The 2001-2003 surveys by the U.S. Commission included an assessment of the maintenance at mass grave sites. However, given the voluntary nature of maintenance that a municipality or private individuals may or may not provide at a mass grave site, a renewed series of surveys is necessary to establish the current state of mass graves. Major mass grave memorials such as Riga Rumbula and Bikernieki Forests receive municipal maintenance<sup>49</sup>, as do those where memorials have been placed in recent years.<sup>50</sup>

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<sup>42</sup> United States Commission for the Preservation of America's Heritage Abroad and Meyer Meler, Riga, 4 June 2009

<sup>43</sup> *Ibidem*

<sup>44</sup> Gita Umanovska, Ilāna Lisagora, Riga, 4 June 2009; Ilya Lensky, 5 June 2009

<sup>45</sup> *Ibidem*

<sup>46</sup> Ilya Lensky, Riga, 5 June 2009

<sup>47</sup> Gita Umanovska, Meyer Meler, Riga, 4 June 2009.

<sup>48</sup> Meyer Meler, Riga, 4 June 2009 and United States Commission for the Preservation of America's Heritage Abroad, p. 15

<sup>49</sup> Gita Umanovska, Bratislava 18 March 2009

<sup>50</sup> Ilya Lensky, Riga, 5 June 2009

Maintenance of both cemeteries and mass graves may be provided by municipalities, Jewish communities (where they exist), schools, descendants, museums etc. A group of international youth led by German pastor Klaus-Peter Rex has been particularly active in the restoration of Jewish cemeteries in Latvia since 2005. With the approval of the Council, the group has restored gravestones and enclosures in the Jewish cemeteries of Plavinas-Gostini (2005), Livani (2007) and Vishki (2008). In 2006, the group erected a memorial marker at a mass grave in Plavinas discovered during the restoration of the local cemetery in the previous year. Latvian municipalities have contributed funding to these projects and have occasionally agreed to provide maintenance for the cemeteries after their restoration.<sup>51</sup>

### **3.5 Current State**

According to the U.S. Commission report, most Jewish cemeteries in Latvia lack fences, walls or other enclosing barriers; in most cases, at least some of the original gravestones are missing. While some cemeteries were razed to the grounds in the past and replaced by parks or built upon, others can still be identified as cemeteries although they no longer contain gravestones, as for example in Grobina.<sup>52</sup> Only eight cemeteries are enclosed and/or equipped with lockable gates.<sup>53</sup>

While a majority of cemeteries are still visible as burial grounds, the Krustpils, Kuldiga and the old Riga cemetery are used as parks. The Dobele Jewish cemetery has become a site of apartment blocks, whereas Grobina, Kandavia and Rujiena, nearly devoid of gravestones, are becoming increasingly unidentifiable as burial grounds.<sup>54</sup>

Regarding mass graves, the U.S. Commission surveys found that in 2001-2003, only a minority of sites was properly demarcated; a few mass graves, for example in Ludza and Riga, were built upon.<sup>55</sup>

### **3.6 Main Threats**

Most Jewish cemeteries in Latvia have been threatened by neglect since World War II. Between the war and throughout the 1980s, however, acts of vandalism, razing to the ground and urban development were major man-made causes for the deterioration of their state.

While development may still represent a threat in some regions – particularly in Daugavpils and Preiļi – , the major threat today is nature in combination with neglect. At least thirty Jewish cemeteries in Latvia suffer from vegetation overgrowth to the extent that graves and gravestones are severely affected.<sup>56</sup>

Acts of vandalism have occurred on an average rate of one per year over recent years.<sup>57</sup> In Aizpute, gravestones are reported to disappear regularly.<sup>58</sup>

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<sup>51</sup> Gita Umanovska, Bratislava, 18 March 2009, Klaus-Peter Rex, by telephone, 23 June 2009

<sup>52</sup> Cf. Meler, pp. 35-36

<sup>53</sup> United States Commission for the Preservation of America's Heritage Abroad, pp.12-14

<sup>54</sup> Meyer Meler, Riga, 4 June 2009

<sup>55</sup> United States Commission for the Preservation of America's Heritage Abroad, p. 29

<sup>56</sup> Meyer Meler, Riga, 4 June 2009

<sup>57</sup> Gita Umanovska, Riga, 4 June 2009

<sup>58</sup> Ilya Lensky, Riga, 5 June 2009

## 4. Legal Instruments

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

### 4.1 *Latvian Legislation*

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

#### 4.1.1 Latvian Constitution

The *Constitution of the Republic of Latvia*<sup>59</sup> contains a number of articles which may be invoked in campaigning for widespread identification and recognition of Jewish burial grounds both at the municipal and the state level. As sites of religious importance, their protection is connected to the freedom of religion, minority rights as well as human rights, which are addressed in Chapter VIII of the Constitution:

- Article 89: "The State shall recognise and protect fundamental human rights in accordance with this Constitution, laws and international agreements binding upon Latvia."
- Article 99: "Everyone has the right to freedom of thought, conscience and religion. The church shall be separate from the State."
- Article 114: "Persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity."

Article 105, which stipulates that "property shall not be used contrary to the interests of the public", 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 Latvia's Jewish cemeteries and mass graves under both cultural and religious aspects may also be addressed using certain provisions of the 1991 *Law About the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups*.<sup>60</sup> Particularly relevant are:

- Paragraph 8: "All Republic of Latvia permanent residents are guaranteed the rights to observe their own national traditions, to use their national symbols and to commemorate their national holidays."

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<sup>59</sup> An English translation is available from the website of the Latvian national parliament (Saeima) at [http://www.saeima.lv/LapasEnglish/Constitution\\_Visa.htm](http://www.saeima.lv/LapasEnglish/Constitution_Visa.htm)

<sup>60</sup> [http://www.minelres.lv/NationalLegislation/Latvia/Latvia\\_CultAut\\_English.htm](http://www.minelres.lv/NationalLegislation/Latvia/Latvia_CultAut_English.htm) (unofficial English translation). In Latvia, as in most other former Soviet republics, the term 'nationality' may also refer to an individual's ethnicity. As such, it may mean Latvian, Russian or Jewish, for example.



- Paragraph 10: “The Republic of Latvia government institutions should promote the creation of material conditions for the development of the education, language and culture of the nationalities and ethnic groups residing within Latvia's territory, foreseeing defined sums from the government's budget for such purposes.”
- Paragraph 15: “The government protects all national historical and cultural monuments and objects within the Republic of Latvia territory.”

In cases of anti-Semitic desecrations of Jewish burial grounds, paragraph 16, which calls for the punishment of “any activity directed toward nationality discrimination or the promotion of national superiority or national hatred” may be invoked to ensure that all provisions of the criminal code that apply to this type of crime are properly enforced.

In article 5(2) of the 2007 *Riga Jewish Religious Community Law*,<sup>61</sup> the state officially recognises the importance of Jewish cemeteries and excludes them from the list of properties that it may expropriate under certain circumstances.

#### 3.1.4. Cultural Heritage Legislation

Latvia’s *Act on the Protection of Cultural Monuments*<sup>62</sup> specifically mentions cemeteries as potential cultural monuments that may receive special legal and practical protection.<sup>63</sup> However, according to the Latvian State Inspection for Heritage Protection, no Jewish burial grounds – neither cemeteries nor mass graves – are currently listed as protected sites, although most of the pre-20<sup>th</sup> century Jewish cemeteries would qualify for this status.<sup>64</sup> In Latvia, the owners of cultural monuments are responsible for their preservation in accordance with legally required standards<sup>65</sup>, which in the case of Jewish burial grounds would place the financial burden for proper maintenance mostly on municipalities. Further research is necessary to establish whether this is a politically and financially viable option to ensure better protection for Latvia’s Jewish burial grounds.

Under the Act, it is prohibited to destroy, move or modify a cultural monument without permission (section 3). Furthermore, it restricts economic activity in the vicinity of the monument (sections 10) and establishes ‘protection zones’ around them (section 23).

Both natural and legal persons may apply for sites to be awarded the status of a cultural monument, which then prompts a procedure the details of which can be found in the *Regulations regarding the Registration, Protection, Utilisation and Restoration of Cultural Monuments, the Right of First Refusal of the State and the Granting of the Status of an Environment-Degrading Object*.<sup>66</sup>

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<sup>61</sup> Adopted by the national parliament 31 May 2007, came into force 1 May 2008. An unofficial translation has been provided by the Council.

<sup>62</sup> An unofficial English translation is available from the Unesco Cultural Heritage Laws Database at [http://www.unesco.org/culture/natlaws/media/pdf/latvia/latvia\\_text\\_amendinglaws\\_engtof.pdf](http://www.unesco.org/culture/natlaws/media/pdf/latvia/latvia_text_amendinglaws_engtof.pdf)

<sup>63</sup> *Act on the Protection of Cultural Monuments*, section 1

<sup>64</sup> Jānis Asaris, Deputy Administrator, Archaeologist, Latvian State Inspection for Heritage Protection, and Andris Šnē, Head of the Department of Architecture and History, Latvian State Inspection for Heritage Protection, Riga, 4 June 2009

<sup>65</sup> *Act on the Protection of Cultural Monuments*, sections 11 and 24

<sup>66</sup> An unofficial English translation is available from the Unesco Cultural Heritage Laws Database at [http://www.unesco.org/culture/natlaws/media/pdf/latvia/latvia\\_regulations\\_registration\\_culturalmonuments\\_engtof.pdf](http://www.unesco.org/culture/natlaws/media/pdf/latvia/latvia_regulations_registration_culturalmonuments_engtof.pdf)

Despite the fact that most Jewish cemeteries and mass graves in Latvia do not enjoy special protection under the Act, the State Inspection for Heritage Protection and the Council have been co-operating in producing records for most sites.<sup>67</sup>

### 3.1.5. Criminal Code

The Latvian Criminal Code<sup>68</sup> punishes the desecration of graves and corpses (section 228) and the destruction of and damage to cultural monuments (section 229).

## 4.2 *Bilateral Agreements*

On October 7, 2002, the United States and Latvia signed the *Agreement on the Protection and Preservation of Certain Properties*.<sup>69</sup> In article 1, the signatories agree, *inter alia*, to ‘protect and preserve the cultural heritage of all national, religious, or ethnic groups, including victims of genocide during the Second World War ... that reside or resided in its territory.’

While the Agreement specifically mentions cemeteries and ‘memorials to the dead’ as part of this cultural heritage, it has so far not led to substantial legislative progress on this issue in Latvia. However, it has been extremely useful in promoting the collection of data on cemeteries and mass graves by both the Council and the State Inspection on Heritage Protection, in addition to fostering practical co-operation by the Council and municipalities in signposting mass graves.<sup>70</sup>

## 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. Latvia 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.

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 one percent of Latvia’s Jewish burial grounds 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),<sup>71</sup> and in the European Convention on Human

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<sup>67</sup> Jānis Asaris and Andris Šnē, Riga, 4 June 2009

<sup>68</sup> *The Criminal Code of the Republic of Latvia*, unofficial English translation, section 228, <http://www.legislationline.org/download/action/download/id/1683/file/4b5d86c3826746957aa400893abc.htm/prview>

<sup>69</sup> <http://www.heritageabroad.gov/agreements/doc/latvia.pdf>

<sup>70</sup> Meyer Meler, Riga, 4 June ; Jānis Asaris, and Andris Šnē, Riga, 4 June 2009

<sup>71</sup> Available at <http://www2.ohchr.org/english/law/ccpr.htm>.

Rights (ECHR).<sup>72</sup> Both instruments are legally binding on state parties; the ICCPR is monitored by the Human Rights Committee,<sup>73</sup> while the ECHR is enforced by the European Court of Human Rights.<sup>74</sup> The status of Latvia'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 14 Jul. 1992
- *1972 Convention on the Protection of the World Cultural and Natural Heritage*: Accepted 10 Jan. 1995.
- *1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export & Transfer of Ownership of Cultural Property*: Not signed.
- *1954 (Hague) Convention for the Protection of Cultural Property in the Event of Armed Conflict*: Acceded 19 Dec. 2003; *First Protocol*: Acceded 19 Dec. 2003; *Second Protocol*: Not signed.

#### 4.3.2 Council of Europe Conventions

- *2005 Framework Convention on the Value of Cultural Heritage for Society*: Ratified 26 Apr. 2006.
- *2000 European Landscape Convention*: Ratified 5 Jun. 2007.
- *1998 Convention on the Protection of Environment through Criminal Law*: Not signed<sup>75</sup>
- *1992 European (Valletta) Convention on the Protection of the Archaeological Heritage (revised)*: Not signed.
- *1985 European Convention on Offences relating to Cultural Property*: Not signed.<sup>76</sup>
- *1954 European Cultural Convention*: Ratified 7 May 1992.
- *1950 European Convention for the Protection of Human Rights and Fundamental Freedoms*: Ratified 27 Jun. 1997.

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<sup>72</sup> Available at <http://conventions.coe.int>.

<sup>73</sup> 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.

<sup>74</sup> 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.

<sup>75</sup> At the time of writing, this Convention had not yet come into effect as a result of insufficient ratifications (3 are needed, but only one had been received).

<sup>76</sup> At the time of writing, this Convention had not yet come into effect as a result of insufficient ratifications (3 are needed, but none had been received).

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Gita Umanokvska, Executive Director, Council of Jewish Communities of Latvia, Bratislava, 18 March 2009 and Riga, 4 June 2009

APPENDIX 1 – MAP OF LATVIA



## APPENDIX 2 – LIST OF KNOWN JEWISH BURIAL GROUNDS IN LATVIA

This list contains the names of all 170 known Jewish cemeteries and mass grave sites in Latvia. Current research undertaken by the Jewish Museum in Riga aims at retrieving data on an expected additional 100 mass grave sites.

Data on Jewish cemeteries and mass graves in Latvia is based on:

- United States Commission for the Preservation of America's Heritage Abroad, *Jewish Cemeteries and Mass Graves in Latvia*, (forthcoming)
- Meyer Meler, *Jewish Cemeteries in Latvia*, Shamir: Riga, 2006
- Recent research undertaken by the *Lo Tishkach Foundation*

### 1. Jewish cemeteries – 70 sites

#### KURZEME REGION

13 Jewish cemeteries

Aizpute Jewish Cemetery  
Embute Jewish Cemetery  
Grobina New Jewish Cemetery  
Grobina Old Jewish Cemetery  
Kuldiga Jewish Cemetery  
Liepaja Jewish Cemetery (Old)  
Liepaja Municipal Cemetery Līvu (New)  
Piltene Jewish Cemetery  
Sabile Jewish Cemetery  
Saldus Jewish Cemetery  
Talsi Jewish Cemetery  
Valdemarpils Jewish Cemetery  
Ventspils Jewish Cemetery

Krustpils Old Jewish Cemetery  
Kubuli Jewish Cemetery  
Livani Jewish Cemetery  
Ludza Jewish Cemetery  
Piedruja Jewish Cemetery  
Preili Jewish Cemetery  
Rezekne Jewish Cemetery  
Riebini Jewish Cemetery  
Ruzina Jewish Cemetery  
Vilaka Jewish Cemetery  
Vilani Jewish Cemetery  
Viski Jewish Cemetery  
Zilupe Jewish Cemetery

#### LATGALE REGION

28 Jewish cemeteries

Asote Jewish Cemetery  
Balvi Jewish Cemetery  
Bikernieki Jewish Cemetery  
Dagda Jewish Cemetery  
Daugavpils Jewish Cholera Cemetery  
Daugavpils Municipal Cemetery  
Daugavpils Old Jewish Cemetery  
Demene Jewish Cemetery  
Griva Jewish Cemetery  
Jekabpils New Jewish Cemetery (II)  
Jekabpils Old Jewish Cemetery (I)  
Karsava Jewish Cemetery  
Konstantinova Jewish Cemetery  
Kraslava Jewish Cemetery  
Krustpils New Jewish Cemetery

#### VIDZEME REGION

19 Jewish cemeteries

Cesis Jewish Cemetery  
Gostini Jewish Cemetery  
Ikšķile Jewish Cemetery  
Jaunjelgava Jewish Cemetery I  
Jaunjelgava Jewish Cemetery II  
Jurmala Jewish Cemetery  
Lejasciems Jewish Cemetery  
Limbazi Jewish Cemetery  
Plavinas (Barukalna) Jewish Cemetery I (Old)  
Plavinas Jewish Cemetery II (New)  
Riga New Jewish Cemetery  
Riga Old Jewish Cemetery  
Rujiena Jewish Cemetery I  
Rujiena Jewish Cemetery II (Cholera)  
Smiltene Jewish Cemetery  
Smiltene Jewish Cemetery of Fallen Soldiers  
Valka Jewish Cemetery

Valmiera Jewish Cemetery  
Varaklani Jewish Cemetery

### **ZEMGALE REGION**

10 Jewish cemeteries

Auce Municipal Cemetery  
Bauska New Jewish Cemetery

Bauska Old Jewish Cemetery  
Dobele Jewish Cemetery  
Jelgava Jewish Cemetery I  
Jelgava Jewish Cemetery II (Cholera)  
Kandava Jewish Cemetery  
Skaistkalne Jewish Cemetery  
Subate Jewish Cemetery  
Tukums Jewish Cemetery

## ***2. Mass Graves – 100 sites***

### **KURZEME REGION**

22 mass graves

Aizpute  
Auce  
Bauska  
Broceeni I  
Broceeni II  
Dundaga I  
Dundaga II  
Dundaga III  
Dundaga IV  
Jaunjelgava  
Laidzes  
Liepaja I  
Liepaja II  
Liepaja III  
Pampaali  
Puze I  
Puze II  
Saldus  
Sukturi  
Sumata  
Vainode I  
Vainode II

### **LATGALE REGION**

43 mass graves

Asote  
Atasiene  
Cirnas I  
Cirnas II  
Daugavpils I  
Daugavpils II  
Daugavpils III

Daugavpils IV  
Daugavpils V  
Daugavpils VI  
Eglaine  
Gaigalava  
Karsava I  
Kaunata I  
Kaunata II  
Kaunata III  
Kaunata IV  
Kraslava II  
Kraslava III  
Kraslava IV  
Kubuli  
Lauce  
Livani I  
Livani II  
Livani III  
Ludza I  
Ludza II  
Ludza III  
Malta  
Rezekne  
Rugaji  
Salnava I  
Salnava II  
Sokolkl I  
Sokolkl II  
Subate  
Sventes  
Varklani  
Vecruzina  
Vilaka  
Viski  
Zilupe  
Zvirgzdenes



## **VIDZEME REGION**

25 mass graves

Aluksne I  
Aluksne II  
Ape  
Bebri  
Irshu Park  
Jaunaluksne  
Kokneses  
Liepnas  
Litene  
Plavinas  
Plavinas, Gostini  
Priekulu  
Riga Dreilini  
Riga Strazdumuiza  
Riga Bikernieki  
Riga Jewish Cemetery Mass Grave I  
Riga Jewish Cemetery Mass Grave II  
Riga Gogoal Street 25  
Riga Rumbula Forest  
Riga Veca

Smiltene Launkalne  
Strenchi  
Valmiera Bralju Kapi  
Valmiera Vecca Pagastmaa  
Viresi

## **ZEMGALE REGION**

10 mass graves

Akniste I  
Akniste II  
Ilukstes  
Jekabpils  
Malta  
Pinukalns  
Smiltene Bral Juka  
Vecsaules  
Viesite I  
Viesite II