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## Repeal of Council Resolution No. 1-607 (2020 July 8)

1 message

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Save Vilna <savevilna@gmail.com>

Thu, Aug 26, 2021 at 9:40 AM

To: meras@vilnius.lt

### Repeal of Council Resolution No. 1-607 (2020 July 8)

Honorable Mayor Remigijus Šimašius,

1. We refer to Vilnius City Municipal Council resolution decision no. 1-607, dated 2020 July 8.
2. The said resolution details "Approval of the joint activity (partnership) agreement between Vilnius City Municipality Administration and state enterprise Turto bankas" that authorized the participation of Vilnius City Municipality to invoke the Vilnius Jewish Šnipiškės Old Cemetery project.
3. This includes the Vilnius Jewish Šnipiškės Old Cemetery reconstruction project implemented in the territory of 4.8829 ha, consisting of a 2.1513 ha plot of land with the Vilnius Concert and Sports Hall building managed by the state enterprise Turto bankas (the area managed by the project without the building area - 1.2289 ha) and Vilnius 0.4960 ha and 2.2356 ha plots are managed by the city municipality (total project area - 2.7316 ha).

The above Vilnius City Council resolution is supported by 2015 Seimas resolution 597. This resolution violates several provisions of the Lithuanian constitution and international law, as determined by legal experts, including Professor Alan Dershowitz and Professor Irwin Cotler. Their full statements are available for [REVIEW](#).

4. Accordingly, the Vilnius City Municipal Council resolution decision no. 1-607 is a contravention of Lithuanian and international law and therefore invalid, as determined by the rules and regulations which govern the Vilnius City Municipal Council, for the reason of violating said laws, set forth below:

A) [Violation of 2002 International Agreement](#) entered into between the governments of the United States and the Republic of Lithuania, whereby the parties are obligated to take steps to protect and preserve the cultural heritage of all ethnic groups that reside or resided in the territory, including victims of the Holocaust. The "term cultural heritage" includes cemeteries and accordingly development or reconstruction on the Snipiskes cemetery is precluded by law.

B) [2008 U.S. Senate Resolution](#) in which the U.S. Congress condemned any development on the Snipiskes cemetery.

C) Violation of a [2009 Agreement](#) signed by the Lithuanian government and Lithuanian Jewish community precluding any developing on the cemetery and requiring authorization by the Lithuanian and International Jewish community for any proposed change or maintenance on the cemetery or an any of its buffer zones. However, support for the Vilnius Conference Center from the international and local Jewish community is clearly lacking, as verified in the publication entitled "Lithuanian Jewish Community Cuts ties to Controversial Cemetery Project." See <https://saul-kemp.medium.com/lithuanian-jewish-community-cuts-ties-to-controversial-cemetery-project-773b2c1151b0>

D) Violation of [2014 U.S. Protect Cemeteries Act \(H.R. 4028\)](#), passed by U.S. Congress, an amendment to the Freedom Act of 1998, which makes the desecration of a cemetery on a foreign soil a sanctionable violation.

E) Violation of [Lithuanian Constitution \(Articles 22 & 26\)](#) in which Lithuanian law sets out provisions for the court to protect parties from arbitrary or unlawful interference in private and family life, from encroachment upon their respective honor and dignity.

F) Violation of [Lithuanian Law on Protection of Immovable Cultural Heritage](#), which provides protection for any registered site from a violation of a cultural consideration. Both the Snipiskes cemetery and the Sports Palace are independently certified with the land registry as protected properties. As any development on either of these registered items violates Jewish law and culture, development on the cemetery, including the Sports Palace is prohibited.

G) [Violation of European Rights Convention \(Articles 8 & 9\)](#), which provides for the protection of individual rights, freedom of religion and enables the Jewish community to maintain the Snipiskes cemetery in accordance with Jewish law.

H) A violation of the [UN convention on Civil and Political Rights \(article 18\)](#) which protects freedom of religion where the desecration of the cemetery through any development thereon as proposed by the VCC development or any similar project constitutes a violation of the UN Convention on Civil and Political Rights.

I) Violation of [Seimas Resolution 10 December 2020 No XIV-65 Vilnius](#) whereby the respective Seimas resolution reinforces respect for human rights and freedom of religion, further condemning Antisemitism and homophobia.

J) Constitutes and Act of [Antisemitism according to IHRA Definition \(1916\)](#)

which defines any act that denies the Jewish community or a Jewish person their right to freedom of religion as Antisemitic. The application of a double standard, where other cemeteries that are Christian or Muslim, which are not targeted for development as is the Snipsikes cemetery, also constitutes a serious Act of Antisemitism.

K) Violates the [Congress Antisemitism Awareness Act of 2019 H.R. 4009](#)

which provides a framework for Antisemitism conduct that can be used as a basis for denying any violating party U.S. government funding.

5. Most certainly on its own merit, the violation of Human Rights provides sufficient *raison d'être* to terminate the VCC project.

However, it is worth noting that even a rudimentary cost benefit analysis would conclude that there is no economic justification for the VCC project. In fact there is a high probability that the initiative would fail and that it would exert a heavy toll on taxpayers for the following reasons set forth below:

A) COVID-19 has changed the economic landscape internationally. Accordingly the pandemic requires a reassessment of any policy position that may have been taken prior to COVID-19.

B) The official US Lithuania Travel Advisory Guide (July 12, 2021) has warned against travel to Lithuania indefinitely. Further information on this warning can be reviewed at:

<https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/lithuania-travel-advisory.html>

Pointedly, the Center for Disease Control and Prevention (CDC) has issued a [Level 3 Travel Health Notice](#) for Lithuania due to COVID-19, indicating a high level of COVID-19 in the country. The fact is that as a rule most countries are discouraging travel in Europe, due to the high risk associated with the pandemic and contagion.

C) The Organization for Economic Co-operation and Development (OECD) recently issued a paper on **Rebuilding tourism for the future: COVID-19 policy responses and recovery**, recommending flexibility and the avoidance of capital expenditure programs with undefined payback periods. The paper is dated December 2020. Since then the situation has deteriorated significantly, with the Delta variant rampant across Europe.

The OECD paper with its economic recommendations can be [DOWNLOADED](#) for review:

D) Medical experts have indicated that COVID-19 and travel restrictions are here to stay. Scientists are saying that Covid mutations are the future and that it is impossible to define any time horizon for closure to the pandemic.

E) An estimated EUR 22,7 million of the VCC project, the bulk of total funding for the VCC project, was to be financed by the European Commission State aid, reference no. 43206 (2015/N). It is important to be aware that the respective source is no longer available.

The European Commission has recently acknowledged that the VCC project violates multiple European and international laws, including provisions that protect human rights. Accordingly it does not meet the requirements for the respective European Commission aid.

Pointedly, revisions in the budget for the VCC project pointed to a new highwater mark for the full value of the project. [Projections](#) suggested that the total cost of development could extend north of EUR 64 million.

F) According to most expert assessments, the interests of the tourism industry would be better served by expanding direct subsidy and incentive programs. This would have a more efficient impact on tourism in a measurable and meaningful way.

6. As you are aware, the development of the VCC project has been suspended. We were therefore perturbed to learn that there is a move within the Vilnius City Council to rejuvenate the VCC initiative. This is based on the understanding that it will be a measure to promote tourism and to serve the international conference center market.

7. It is impossible to comprehend the logic of a proponent of such an initiative, in light of the fact that the international conference market has collapsed and when investment in the industry is being discouraged. This respective line of thinking runs contrary to expert projections and undermines basic economic principles.

8. History has shown that this initiative to support the desecration of the cemetery is classic Antisemitism, conducted in a way which is contrary to thought or logic. It is perpetrated devoid of consideration to the catastrophic consequences that would result, unmoved by the prospect of financial loss and the enormous burden that will come to bear on the taxpayers of Vilnius.

9. It goes without saying that a move to advance the conference center development carries significant political risks.

10. We accordingly implore you to repeal said Council Resolution No. 1-607, dated 2020 July 8, which violates international and Lithuanian laws, Human Rights provisions and undermines the credibility of the Vilnius City Council.

11. Appointed and sitting representatives in Seimas parliament have expressed their intent to reverse course on the 2015 Seimas Resolution 597, authorizing the conference center development. We hope you will do the same.

12. We have included a link to a [PDF file](#) of a few of the letters of opposition to the VCC development for convenience.

13. Please confirm your response to this communication and share with us the stance you will be adopting, within 20 days hereof.

We thank you for your attention in this matter.

Yours respectfully,

Grant de Graf  
Special Officer for Combating Antisemitism

212.444.1813

[Save Vilna Coalition](#)

**PDF DOWNLOAD:**

1. [Letters of Opposition](#)