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March 17, 2004

ICP

וועד הוועמה לשמור ושימור בתי עלמין
International Committee
for the Preservation of
Jewish Memorial Sites

March 12, 2004

The Honorable Edward R. Korman
Holocaust Victims Assets Litigation
P.O. Box 8300
San Francisco, CA 94128-8300

Re: HOLOCAUST VICTIMS ASSETS LITIGATION

Dear Judge Korman:

I write on behalf of the International Committee for the Preservation of Jewish Memorial Sites ("ICPJMS"), in connection with the funds remaining for distribution for cultural, memorial, and educational purposes from the looted assets class of the looted assets class of the Swiss Banks Settlement. By order dated December 17, 2003, the Court set a deadline of March 12, 2004 for submission of proposals relating to distribution of those funds. Having reviewed the proposals submitted to date, we believe that none of them squarely propose application of a portion of the funds for the quintessential memorial purpose: actual care for the victims of the Holocaust, as they would have received but for the destruction of Eastern European Jewry. Accordingly, ICPJMS respectfully submits this proposal for distribution of a portion of the funds for the repair and preservation of Jewish cemeteries and mass graves in Eastern Europe.

ICPJMS was formed in August 2003 by a resolution of the World Jewish Congress to tackle the enormous task of saving and preserving the more than ten thousand Jewish cemeteries and mass graves in Eastern Europe. Prior to 1936, approximately 8,000,000 Jews lived in Eastern Europe. Jewish tradition accords the utmost importance to proper care and respect for, and maintenance of the dignity of, the dead. Thus, throughout Eastern Europe, each Jewish community undertook to care for and maintain a local cemetery. These cemeteries also functioned as an important repository of Jewish history, serving as a physical record of the demographics of Jewish Europe over time.

As the Court knows, the ravages of war and the atrocities of the Nazi and Communist regimes destroyed nearly all the Jewish communities of Eastern Europe. Cemeteries that had once been maintained with scrupulous dignity by the local communities now lay abandoned. Desecration, pillage and vandalism have become their lot. A majority of all Jewish tombstones in Eastern Europe have disappeared, graves have been violated and left with gaping holes, and bones are visibly strewn across the ground of many cemeteries. In addition, during the annihilation of Eastern European Jewry many dead were thrown into mass graves, casually buried in anonymity and disgrace. The dead have been denied the dignity that Jewish tradition insists they be accorded, and which was and remains their due notwithstanding the destruction of Eastern European Jewry.

ICPJMS, Inc.

15 East 26th Street, Room 906
New York, NY 10010

phone: 646.485.2060
fax: 212.685.5299
e-mail: info@icpjms.org

www.icpjms.org

ICPJMS is devoted to reversing this tide, preserving this historical treasure, and restoring to the dead the decorum and dignity stolen from them by 50 years of persecution. The data base we are presently preparing will identify and provide up to date information on the thousands of burial sites throughout Eastern Europe and Former Soviet Union and thus hasten our preservation efforts. In our initial efforts, we plan on restoring 25 cemeteries and mass grave sites in 5 countries.

ICPJMS estimates that there are close to 15,000 Jewish cemeteries and mass graves in Eastern Europe. While the great majority of these grave sites have been vandalized or fallen into severe disrepair, *80% are still salvageable*. Key to this salvage work is the erection of a physical barrier around the perimeter of each cemetery and mass grave, in order prevent further vandalization. The average cost of erecting a permanent enclosure around a cemetery is more than \$10,000, while the average cost of erecting a fence around a mass grave site is approximately \$2,000. The sums needed to undertake this important venture for the 12,000 or so salvageable sites thus exceeds \$100 million.

ICPJMS respectfully submit that this important task merits allocation of a portion of the remaining settlement funds. Simply put, restoration and maintenance of the Jewish grave sites of Eastern Europe lies at the heart of preserving the cultural legacy of pre-war European Jewry and memorializing its dead:

- a) For many centuries prior to the Holocaust the caretaker of Jewish cemeteries were the local Jewish communities. Descendants would generally ensure the maintenance of the specific graves of their ancestors. With the destruction of nearly all the Jewish communities in Eastern Europe in WWII, and the decimation of the majority of the Jewish residents of these communities, the responsibility is thrust upon humanity as a whole. It is certainly the wish and desire of the victims of the holocaust that the graves of their parents and grandparents be saved from total destruction.
- b) The thousands of mass graves containing the final remains of large numbers of Holocaust victims are truly the most appropriate locations for memorials. Other proposals that have been submitted before this court indicate that more than fifty percent of Jewish holocaust victims were religious. According to the traditions and beliefs of Religious Jews the only appropriate physical memorial for the dead is to be constructed either upon an actual grave, or within the grounds of an existing Jewish cemetery. In addition, in the early days of the Holocaust some Jews were afforded the "privilege" of an actual burial at the cemetery. Thus, the cemeteries also contain numerous graves of holocaust victims.
- c) As a further extension of the aforementioned, we feel that it would be most fitting, in keeping with Jewish tradition, that attached to the fences we hope to erect around these mass graves and cemeteries, ought to be a large plaque to serve a "gravestone" for the Jews of each of these towns who perished in the Holocaust. In this manner even those Jews who were lost their lives in the Gas Chambers and

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Crematoriums, shall have a "gravestone" in their memory. This would be a most appropriate memorial in keeping with the wishes of the victims. It is important to note that a number of survivors have erected such "tombstones" in cemeteries in Israel and elsewhere as memorials for the loved ones who perished at the hands of the Nazis and their allies. Our proposal is to provide such memorials in the towns where these victims actually lived, for the great many whose children and loved ones perished together with them.

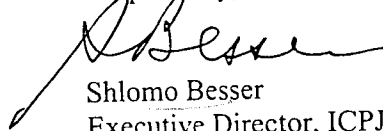
The greatest commemorative we can establish which will serve both to educate future generations and maintain the legacy is to enshrine the dignity of the final resting place for European Jewry.

In addition, ICPJMS has the capacity to leverage whatever settlement funds the Court deems fit to allocate to it, effectively providing more "bank for the buck." ICPJMS is negotiating with several Eastern European governments to match funds ICPJMS raises from other sources. Romania has already promised \$5 million in matching funds if ICPJMS raises an initial \$5 million, and ICPJMS is currently seeking similar pledges from the governments of Hungary, Poland, and Ukraine.

Given the magnitude of the task and its historical significance the ICPJMS respectfully requests an allocation of \$10,000,000 - \$20,000,000 from the settlement funds remaining for distribution. These funds will allow for the preservation of the quintessential repository of the history of Jewish culture in Eastern Europe, and for the most fitting memorial possible to the dead: restoration of their dignity and rights, in accordance with their cultural traditions.

Israel Singer, Co-Chair ICPJMS
Rabbi Schmu'el Halpert, MK, Co-Chair ICPJMS
Rabbi Chaskel Besser, Chairman, Rabbinical Commission for Polish Cemeteries
George Klein, Founder and Co-Chair The Museum for Jewish Heritage – A Living Memorial to the Holocaust

Respectfully,



Shlomo Besser
Executive Director, ICPJMS

cc: Special Master Judah Gribetz (by Messenger)