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The Prague Declaration of 2008 and its Repercussions in Lithuania. *Historical Justice and Reconciliation*

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Abstract
Overall, the Prague Declaration of 2008, promoting awareness of the crimes by both Nazi and Soviet regimes, has gained broad acceptance. However, it also resulted in mounting criticism about the implied moral equivalence of fascism and communism and the decision to commemorate all victims of both regimes on the same day, thus supplanting the existing Holocaust Day and even enabling former Nazi collaborators to pose as victims of communism. This controversy is of special relevance to Lithuanians because 2011 is the 70th anniversary of the tragic summer of 1941 during which they were in turn victims of deportation, heroes of an anti-Soviet uprising, and collaborators in the Holocaust. The entanglement of so many traumatic events has long since confounded efforts to work through the past and is presently causing a resurgence of chauvinistic politics, seriously threatening the process of healing and dialogue.

On June 14, 2011, Lithuanians hung black ribbons on their national flag and laid flower wreaths on railroad tracks to commemorate the mass deportations that brought the first year of Soviet rule to a close. On this day in 1941, thousands of Lithuanians, mostly women and children, were taken from their homes, driven onto cattle cars, and transported by rail to far-off territories in Siberia and Kazakhstan. Those who were lucky enough to survive starvation and the brutal conditions in the camps would carry a deep sense of injustice for the rest of their lives. To commemorate the seventieth anniversary of this event and of the anti-Soviet uprising that followed, the Lithuanian Parliament, or Seimas, declared 2011 as the Year to Commemorate the Defense of Freedom and Great Losses. And just one week later, another significant date was noted. June 22 marked the seventieth anniversary of the Nazi invasion of the USSR, which sparked the first acts of collective violence by Lithuanians against the local Jewish population. The notorious massacre at the Lietūkis garage in Kaunas, among others, was followed by the mass killings organized by the Nazis and carried out by Lithuanian collaborators that same year. For this reason, the *Seimas* also declared 2011 as the Year of Remembrance for the Victims of the Holocaust in Lithuania.

Lithuanians were thus called upon to commemorate the tragic events that took place seventy years ago, during which they were in turn the victims of deportation, heroes of an anti- Soviet uprising, and collaborators in the Holocaust. The concentration of so many traumatic events in a half-year period has long confounded efforts to understand and work through the past. Indeed, as the traumatic events of World War II recede into history, the controversy over their legacy seems to increase. And in spite of the significant efforts at reconciliation between the Lithuanian and Jewish communities that have been made since 1989, it is clear that much work remains to be done.

The Ghosts of the Past

Today, the Jewish population of Lithuania is tragically small, a mere sliver of the community of over two hundred thousand that lived there until 1941. But in spite of their almost complete destruction during the Holocaust, the historical legacy of their age-old presence nurtures a growing interest in their culture and identity.

Not surprisingly, Jewish-Lithuanian relations remain fixated on a number of unresolved problems from the past: financial compensation for individual, communal and religious property confiscated during the war, the prosecution of Lithuanians who took part in the Holocaust, the preservation of Jewish cemeteries and other historical sites, and Holocaust education and commemoration. And while each of these issues is being addressed with greater or lesser degrees of success, a genuine reconciliation between the Jewish and Lithuanian communities would hinge on a breakthrough in what remains a highly contentious debate over the legacy of World War II .

As with the other nations of Central and Eastern Europe that suffered both Nazi and Soviet occupations, Lithuania has not yet come to terms with the tragic legacy of those years. Neither, for that matter, has Western Europe become fully aware of the specific nature and legacy of the war fought on Germany's eastern front.

Soon after the end of World War II , Western Europe and the Soviet Union arrived at a broad consensus about its significance: the war brought about terrible suffering and the incomparable tragedy of the Holocaust; 1945 marked the victory of good over evil and the beginning of a new era on the continent. Victory Day (be it May 8 or 9) could be celebrated by all Europeans, both west and east. Or so it seemed at the time. But when Lithuanians and other "New Europeans" stepped out from behind the Iron Curtain after 1989, the disclosure of the secret portion of the Molotov–Ribbentrop Pact dividing Europe, the brutalities of Soviet totalitarianism, the repression of active resistance and the indifference of the Western Powers – didn't fit within the frame of the West's preconceived narrative and the relatively simple Cold War perspective. Westerners, until then, knew little about this "gray" section of Europe, and the differences in historical perspective again divided Europe into two parts. Moreover, Soviet-era limitations on the freedom of speech and inquiry isolated Lithuanians from the long and hard debates over the Holocaust and collaboration that took place in every Western country in the 1960s and 1970s. As a result, when Lithuanians began after 1989 to revise the official Soviet interpretation of the war and the postwar era, they focused on their own suffering at the hands of the Communists.

These years also marked the first time the Holocaust received official recognition in Lithuania, and the role of Lithuanians in the Holocaust began to be debated among the broader public. During Soviet times, the specific character of the Holocaust as the genocide of the Jews was ignored. Memorials and monuments raised at Jewish mass killing sites generically noted the sacrifice made by "Soviet citizens." This also included the Paneriai (Ponary) site near Vilnius, where some 70,000 Jews were killed next to 20,000 Poles and 8,000 Russians. Thus, the Vilna Gaon Lithuanian State Jewish Museum was established in 1989. The first official admission of Lithuanian involvement in the Holocaust was made in 1990 in the *Declaration on the Jewish Genocide in Lithuania*. In 1994, September 23 was declared the National Memorial Day for the Genocide of Lithuanian Jews, and it has been commemorated every year since.

In 1994, President Algirdas Brazauskas delivered a speech to the Council of Europe and a public apology to the Israeli Knesset, on March 1, 1995, where he openly admitted the involvement of Lithuanians in the Holocaust, asked for forgiveness, and promised to bring war criminals to justice. Efforts at reconciliation were institutionalized in 1998, when President Valdas Adamkus established the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania, with a mandate to establish the truth of the crimes of the Nazi and Soviet regimes, commemorate the victims, and educate the public.

Divergent Memories

However, these steps could all be described as top-down initiatives and had a limited impact on the attitudes of the population at large. Meanwhile, natural expression and popular rituals of collective memory remained sharply divided between the Lithuanian and Jewish communities.

After the first deportee memoirs began to be published in massive runs in 1986, Lithuanian families engaged in a widespread effort to commemorate the loss of relatives who suffered the killings and deportations of the Soviet era. The first open commemorations began in 1987, and thousands of Lithuanians made pilgrimages to Siberia and Kazakhstan, erecting crosses and monuments at former prison and forced labor camps. Many took a further step and brought the remains of former prisoners and deportees back to Lithuania for reburial, often accompanied by large processions down the streets of Lithuanian towns.

Meanwhile, a separate wave of commemorative travel to the sites of the Holocaust in Lithuania and elsewhere in Eastern Europe began as well. Visitors from Israel, America and Western Europe took advantage of the removal of Soviet-era travel restrictions to visit the towns and villages in Lithuania where their Jewish ancestors had lived. More

often than not, they were shocked to see that cemeteries and memorial sites were completely neglected, overgrown with grass and weeds, sometimes without even a plank showing the way to the site of a mass killing.

The complete lack of information concerning Lithuania's Jewish past stood in stark contrast to the abundant detail concerning ethnic Lithuanian heritage. Regional tourist guides from the 1990s carefully document the location and cultural significance of every ancient stone or brook of folkloric significance as well as every cross and monument to the resistance and deportations across the land but contain virtually nothing to recall that entire communities of Litvaks had ever lived in this or that town.

In this context, it is not surprising that Jewish visitors might have little interest in the history of the Lithuanian communities or much sympathy for the complexities of Lithuania's post-Soviet predicament. Interaction between the communities of memory was minimal or completely absent. And as the vectors of collective memory continued to diverge, practical efforts to redress the wrongs of the past encountered numerous obstacles.

From May 1990 to the spring of 1991, the Lithuanian state rehabilitated wholesale about 50,000 individuals who had been previously convicted for acts relating to anti-Soviet resistance. The amnesty was rushed, with little oversight, with the result that hundreds who may have participated in perpetrating the Holocaust were among those who had their civil rights restored. The process was then reviewed, and over one hundred individuals subsequently had their status of repressed persons revoked.

Equally charged with controversy was the procrastination and ineffectiveness in prosecuting and convicting Lithuanians involved in the Holocaust. In 2001, largely at the instigation and prodding of the United States, the Lithuanian courts convicted Kazys Gimžauskas, former deputy chief of the Vilnius Security Police, of war crimes. During the German occupation, Gimžauskas issued orders to arrest Jews who were then turned over to the Nazis. However, at 91 years of age and with severe health problems, he was ruled unfit to serve out his sentence. This remains the first and, no doubt, the last conviction of a Holocaust perpetrator in Lithuania.

The restitution of property confiscated from Jews during the war was another area of much disagreement over the years. Restitution to individuals was restricted to Lithuanian citizens, disqualifying the majority of Holocaust survivors who had since become citizens of Israel, the USA, or other countries. The restitution of religious and communal properties has also suffered, but it has finally seen some progress in a proposed law on compensation that is now making its way through the Lithuanian Parliament.

A New Approach to Reconciliation

In the mid-1990s, a new formula emerged for addressing the legacy of World War II that sought to encourage the awareness and recognition of both Nazi and Soviet crimes as the civic duty of all Lithuanians. The establishment of the above-mentioned International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania was the focal point of this effort.

While the mandate of the commission was similar to that of the existing Genocide and Resistance Research Center – establishing the truth of the crimes of the totalitarian regimes, commemorating their victims, educating the current populace about them – the commission was structured in a way that ensured the Holocaust in Lithuania received as much attention as the crimes committed by the Soviet regime.

Indeed, the Genocide and Resistance Research Center, established in the context of Lithuania's struggle for independence from the Soviet Union, has long been criticized for its one-sided approach to the past. The Genocide Museum, which it administers, is located in the building that alternately served as the headquarters of the Gestapo and the KGB. However, the museum is focused exclusively on the crimes of the Soviets, making virtually no reference to the Holocaust. Confused foreign visitors are given the explanation that the "Jewish Museum," dedicated to the Holocaust, is just a few blocks away.[1]

By way of contrast, the international commission was established in the context of Lithuania's integration with European structures and values. The membership of the commission is truly international, with as many members from abroad as from Lithuania, including several leading representatives of Jewish communities in Israel the UK and USA. The inclusion of Yitzhak Arad, a representative of Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, was seen as indicative of the commission's commitment to a balanced approach.

For the purpose of conducting research into historical crimes, the commission was divided into two sub-commissions: one for the Soviet occupations, chaired by Professor Liudas Truska of Vytautas Magnus University, and one for the Nazi occupation, chaired by Emanuelis Zingeris, a member of the Lithuanian Parliament.

In addition to supporting research and publications, the international commission has invested significant efforts into educational programs designed to promote public understanding and awareness. It established a network of Holocaust education centers across Lithuania and launched a number of innovative programs, such as a learning module for Lithuanian schools, where students now learn about their Jewish neighbors and the communities that once lived in their area.

A Common European Memory

Similar developments took place throughout the region during the late 1990s, with institutions analogous to Lithuania's international commission established in Estonia, Latvia and Central Europe. Over time, politicians from these states joined forces to promote a balanced approach to the historical traumas of the twentieth century at a pan-European level. But if the thrust within Lithuania was to seek a balance in favor of greater recognition of the Holocaust, the emphasis at the European level was to secure greater recognition among West Europeans of the distinct history of East European nations under Communism.

Thus, on June 2-3, 2008, participants at an international conference hosted by the Czech government issued the Prague Declaration on European Conscience and Communism, which calls on Europeans to recognize the crimes of the former Communist regimes as deserving of the same kind of condemnation and commemoration as the crimes committed by the Nazis. It included demands for Communism "to be dealt with in the same way Nazi crimes were assessed by the Nuremberg Tribunal" and for European textbooks to be overhauled so that children could learn and be warned about Communism and its crimes in the same way as they have been taught to assess the Nazi crimes. The idea gained support; the text was debated at the European Parliament and underwent a number of changes. It was ultimately approved by a large majority in the spring of 2009 as a resolution of the European Parliament entitled "On European Conscience and Totalitarianism." For East Europeans, the name change captured the fact that Eastern European countries had also suffered under Nazi occupation.

A similar text, called the "Vilnius Declaration," was adopted on July 3, 2009 by the Organization for Security and Cooperation in Europe (OSCE), which urged all OSCE members to take a "united stand against all totalitarian rule from whatever ideological background" and condemned "the glorification of the totalitarian regimes, including the holding of public demonstrations glorifying the Nazi or Stalinist past."

Most recently, the basic thrust of the Prague Declaration, including a recognition of the crimes committed by totalitarian regimes and the importance of a "collective memory, shared and promoted, where possible, by us all," was articulated in the Stockholm Program, a document approved by European Union heads of state, which serves to outline EU priorities in the area of justice and home affairs and guidelines for the years 2010-2015.

Cracks in the Wall

But the Prague Declaration has a number of detractors as well. First, some members of the European Parliament objected to the equation of Stalinism and Nazism and the implied equivalence of fascism and communism. Russia advanced similar objections in the framework of the OSCE discussions, especially in regard to the implication of Soviet responsibility for starting World War II . Relatively few EU nations have accepted the proposal to criminalize the denial of the crimes of communist regimes in the same way that the EU outlaws "hate speech" directed at ethnic groups and, by extension, denial of the Jewish Holocaust. For some, the inclusion of both Nazi and Soviet crimes under the banner of totalitarianism implied an unacceptable comparison and moral equivalence.

The most iconic and hotly debated aspect of these efforts has been the proposal to make August 23, the day of the signing of the Molotov-Ribbentrop Pact in 1939, an official European day of commemoration for the victims of totalitarian regimes. The most sustained criticism of the Prague Declaration came from associates of the Simon Wiesenthal Center, an organization devoted to bringing Nazi war criminals to justice. Efraim Zuroff, the head of the Center, called the EU resolution a "Red-Brown" manifesto and said the ideas it represents are insidious: "If communism equals fascism," he said, "then communism equals genocide. This would mean that Jews also were involved in genocide, because among Jews there were many communists."[2]

While such critics support the need to promote a greater awareness of the crimes of Communism, they object to the holding of joint commemorations for the victims of totalitarianism. In the same interview, Rabbi Abraham Cooper asks with bitter irony how such a joint commemoration would take place: "A moment of silence for Jewish citizens butchered by the Nazis and their local collaborators, followed by a moment of silence for these victimizers, later turned into 'victims of Communism?' "[3]

Professor Dovid Katz, a scholar and editor of a website dedicated to the historical legacy of the Holocaust in the Baltics, has coined the term "Holocaust obfuscation" to describe the method and motive behind the Prague

Declaration. An example he includes is the allegation that, since many Communists were Jews, Jews are responsible for Communist crimes, or even that the mass murder of Jews in Eastern Europe was some kind of reaction to "Jewish communism." He would also extend the scope of "Holocaust obfuscation" to include the "inflation" of the definition of genocide to include the crimes of Communism, or even the notion of "totalitarian crimes" used in the Prague Declaration which, he says, implies an "equivalence" or a "parallelism" between the crimes of Communists and the crimes of the Nazis.[4]

Surely, the authors of the Prague Declaration, not to mention all those who voted in support of the resolution on European Conscience and Totalitarianism, or the OSCE's Vilnius Declaration, would object to the claim that they were diminishing or obscuring the significance of the Holocaust. From their point of view, Dr. Katz's argument reaches too far since the scope of his definition of "Holocaust obfuscation" lumps irrational anti- Semitic ideas together with legitimate and well-meaning efforts to seek recognition for the crimes of Communism.

One's Own Worst Enemy

The question of motivation is at the heart of this debate, and the absence of trust is clearly one of the main obstacles to a genuine reconciliation between the two communities of memory – Lithuanians and Jews. The critique of the Prague Declaration made by associates of the Wiesenthal Center boils down to the assertion that Lithuanians and other East Europeans are pursuing a "hidden agenda" of covering up the involvement of their populations in the Holocaust and to obfuscating the responsibility of those who collaborated with the Nazis by posing as victims of Communism. In this light, the ongoing manifestations of anti-Semitism in Lithuania are not just shameful but dangerous to Lithuania's pursuit of historical justice and reconciliation.

In 2008, the Prosecutor's Office of Lithuania decided to investigate the killing of Lithuanian civilians by Soviet partisan units fighting against Nazi forces in Lithuania and issued summonses to several prominent Lithuanian Jews who were members of these units as well as ghetto escapees. To be sure, they were to be questioned as witnesses, not as suspects, but the mere fact of connecting Holocaust survivors – including Yitzhak Arad – to war crimes caused an international scandal, followed by loud publicity in the Lithuanian media. The investigation involving Arad was quickly closed, but the summonses to others remain in force. Technically, the prosecutor's office is justified to work on the principle that all allegations of crimes against humanity deserve investigation, but questions of procedural justice also come into play, and the attempt to single out Holocaust survivors has come to be seen in a political light.[5] Unfortunately, Lithuania's dismal record of prosecuting Lithuanian war criminals has left it with little sympathy or credibility internationally.

More recently, the Lithuanian justice system has made a mockery of the attempt of the Seimas to outlaw the propagation of totalitarian values. In 2008, Lithuanian legislators banned the public display of Soviet and Nazi symbols, but on May 19, 2010 a local court in Klaipėda effectively legalized the display of Nazi symbols. It accepted the argument that the swastika predates the Nazi regime, could be found in Lithuanian folk art, and so is not covered by the legislation. Since then, Nazi flags have been raised in Vilnius with impunity. The use of Nazi symbolism at public rallies is strictly controlled in Germany.

On top of that, Lithuania's mainstream media have provided a steady stream of anti-Semitic commentary. In January 2009, the Respublika newspaper published a racist and homophobic front-page article asking "Who Controls the World," with a grotesque caricature of "the Jew" and "the Gay" holding up a globe. On November 14, 2010, the popular weekly Veidas published an article by a mid-level official of the Interior Ministry that described the Nuremberg trials as the "biggest farce in history," providing a "legal basis to the legend about the six million purportedly murdered Jews." The official promptly resigned and the magazine apologized.[6]

Finally, on March 11, 2011, as Lithuanians celebrated the twenty-first anniversary of the reestablishment of their country's independence, a large crowd of radical nationalists made their way up the main street of the capital city, chanting "Lithuania for Lithuanians." Pretty girls in folksy clothing waved Lithuanian flags while young lads bearing swastikas on their arms made the Hitler salute. It would be tempting to describe them as marginal malcontents, but the group included a number of prominent figures, such as a Member of Parliament from the governing Homeland and Justice Party and a staff member of the Genocide and Resistance Research Center. About six hundred Lithuanians put their names to an internet petition calling on the authorities to condemn and dissociate themselves from the march. Prime Minister Kubilius and President Grybauskaitė both criticized the march as misguided patriotism, but they took no further action. Instead of restricting such parades to a more remote location, as has been the case for some labor groups and the gay and lesbian community, the authorities have allowed this group to hijack one of the most significant memorial spaces in the capital, right in front of the Genocide Museum.[7] Indeed, these parades have now been held for four years in a row and have already become something of a tradition.

Manifestations of blatant anti-Semitism are disturbing enough, but the passive attitude of the authorities, bordering on complicity, is truly worrisome. In these days of extreme cuts to public spending that would have easily toppled the governments of Greece, Spain or practically any other Western European state, one can understand the instinct of Lithuanian officials to lie quiet as extremists channel popular frustration towards Jews, homosexuals, Lithuanian emigrants, and the "tolerast" community of liberal intellectuals, pitting one social group against the other and indulging in a self-serving mythology of the past.[8] At best, the March 11 rallies suggest that a great deal of work remains to be done in the area of education. At worst, and if they are left unchecked, such rallies threaten to destroy the foundation on which Lithuania has based its attempts to come to terms with its past by a small but vocal minority of extremists. The space for reconciliation, already scarce, is disappearing from sight. As Šarūnas Liekis, a Yiddish-studies professor from Vilnius, recently complained to the Economist, "We are squeezed between two Talibans."[9]

Overall, the Prague Declaration and the strategy of seeking recognition and promoting awareness of the crimes of both Nazi and Soviet regimes has gained broad acceptance.[10] Recent historical works such as *Bloodlands: Europe Between Hitler and Stalin* by Yale Professor Timothy Snyder have done much to raise awareness of the specific nature of the wartime experience in this region of Europe. It is a pity that the success of the Declaration in securing greater recognition for Eastern Europe's distinct history has been tarred by scandal. The hijacking by extremists of Lithuania's national holiday is disturbing, especially in light of the passive attitude of the authorities. Most importantly, the grotesque symbolism of a racist rally being held in front of the Court of Appeals, a building once used by the Gestapo and the KGB and which now houses the Genocide Museum, threatens to upset the cultural, legal and political edifice upon which Lithuanians have based their efforts to address the traumatic legacy of the Second World War.[11] Such manifestations of extremism and the tenor of racism and intolerance becoming the norm of public discourse are a tragic threat to the process of healing and dialogue so desperately needed in this much-abused part of Europe.

Notes:

1 This situation is not unique to Lithuania, and can be found in other East Central European capitals. Budapest, for example, also has a separate museum for the Holocaust, and the "Horror House" dedicated to the crimes of the communist regime.

2 "Interview: Efraim Zuroff", The Jewish Chronicle, 4 February 2010.

3 Ibid.

4 http://www.holocaustinthebaltics.com/2009SeptDovidKatz3Defini tions.pdf

5 On December 3, 2009, a number of US Congressmen wrote to PM Kubilius asking for his assistance "in helping us to understand the sudden energetic pursuit of investigations into the activities of Jewish partisans, particularly in contrast to the failure of Lithuanian prosecutors to develop any cases against Nazi collaborators since Lithuania's independence in 1991." Letter on file at http://www. holocaustinthebaltics.com/2009Dec3USCongressProtestsOnMargo lis.pdf.

6 T he passage reads as follows: "Svarbu ir tai, kad Niurnbergo procese teisinį pagrindą įgavo legenda apie 6 mln. neva nužudytų žydų, nors iš tiesų teismas neturėjo ne vieno A. Hitlerio pasirašyto dokumento apie žydų naikinimą (šio dokumento, jeigu jis egzistavo, iki šių dienų niekas nerado, nors pažadėta net milijono dolerių premija)."

7 For example, last year the Vilnius city council forbade labor unions from demonstrating in front of government buildings, allowing them only a space in an industrial area near the Siemens arena. Similarly, the gay and lesbian community had their request for a parade denied in 2009, and granted in 2010 only under intense pressure from the diplomatic community in Vilnius. Even then, the parade was restricted to a remote street on the north bank of the river, and the handful of marchers was completely encircled by an overwhelming police presence that included a dozen horsemounted officers and a helicopter flying overhead.

8 *Tolerastas* is a newly-coined term of abuse frequently employed in the Lithuanian blogosphere that combines "tolerance" and "pederast" to describe liberals in Lithuania.

9 "Old wounds: Clashing versions of Lithuania's history and how to treat it," *The Economist*, 10 February 2011.

10 For details, see the Report of the EU Commission to the European Parliament and Council, "The memory of the crimes committed by totalitarian regimes in Europe."

11 The vocal participation in the rally of staff from the Genocide and Resistance Research Centre, a taxpayer-funded organization educating the public about the Nazi and Soviet occupations of Lithuania, has damaged the credibility of this organization and the contribution it has made over the years to the cause of historical justice and awareness.