ANCIENT DOCUMENTS MAY VOID SALE OF THE LAST OPEN LAND IN JERUSALEM'S OLD CITY

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Category: Opinions

Haaretz: Jerusalem residents are protesting a real estate deal for the last large open space in the Old City, which Ottoman-era documents show was intended to benefit the Armenian community

By. Nir Hasson, Haaretz, Feb 24, 2024

In 1574, Andreas Ben Ibrahim, an Armenian bishop in Jerusalem, went to the city's sharia court requesting to register "a land parcel that includes grape, fig, olive, and pomegranate trees in addition to five cisterns for the collection of rainwater" in the name of a "legal, permanent and eternal" endowment in favor of his brother.

Minutes from the court hearing state that following the brother's death, the endowment will be inherited by the brother's sons, and following their death, "to the benefit of their children and then the children of their children and the children of the children of their children and any person who will be born to them."

If no heir remained, the land would be endowed to the Armenian Christian community of Jerusalem. This week, these minutes became the key document in a dispute that has outraged residents of the Old City's Armenian Quarter.

Two years ago, the Armenian patriarch of Jerusalem, Nourhan Manougian, sold land (See correction by Keghart.org) that comprises about a quarter of the entire area to real estate developers. The land sold is also the last large open space in the Old City, except for the Temple Mount/Al Aqsa compound – 11.5 dunams (2.975 acres) spread between the Armenian Monastery and the Old City walls.

Two months later, members of the Armenian community learned the full details of the deal, and embarked on a determined struggle to cancel it. The precious site was purchased by a company called Xana Gardens for a suspiciously low sum of $2 million. Under the agreement, the company undertook a plan to build a hotel on the site and transfer a fixed percentage of the revenue to the Patriarchate.

Xana Gardens was founded on the day the sale agreement was signed by Israeli-Australian businessman Danny Rothman (also known as Danny Rubinstein). Shortly after the deal was signed, Rothman sold half of the company shares to a Jaffa businessman named George Warwar.

Several young activists from the small Armenian community, which is estimated at just 1,000 people, are leading the struggle to cancel the deal. When Warwar's associates tried to access the site, they were blocked by the activists and violent confrontations broke out.

The activists warn that executing the deal would truncate the Armenian Quarter and wipe out

Jerusalem's ancient Armenian presence. In view of the criticism of the Armenian community, Patriarch Manougian revoked the deal and the Patriarchate sued to cancel it.

The Patriarchate also accused the financier who handled the deal on its behalf, Father Baret Yeretsian, of corruption. Yeretsian was dismissed and left Israel as a result of the outcry. In December, he denied the charges in a response to Haaretz.

It now seems that the struggle against the deal has been invigorated, as historical documents found by lawyer Sami Arshid, co-counsel for the community with attorneys Eitan Peleg and Daniel Seidemann.

The claim that the three filled this week with the Jerusalem District Court on behalf of 380 members of the Armenian community states that the land sold by the patriarch was not his, but rather belonged to the endowment established by Andreas Ben Ibrahim 450 years ago.

The endowment deed states that the patriarch is only the endowment trustee and is prohibited from selling the land. He may only use it for the good of the Armenian community. The plaintiffs argue that the deal should thus be voided.

The Armenian community also argues that were the land wholly owned by the patriarch, he was not authorized to sell it without authorization of the general council of the Saint James Monastery, the primary religious entity in the Armenian Quarter, and that no such authorization had been given.

The authorization requirement is established in an amendment to the law on churches enacted in 2015 following lessons learned from the scandal of the sale of two large hotels owned by the Greek Patriarchate to the pro-settler Ateret Cohanim non-profit organization. That scandal has been reverberating throughout the Greek Orthodox Church for 20 years.

Sixteenth-century maps that label the land the Armenian Gardens have been attached to the suit, in contrast to other areas marked as owned by the monastery or Patriarchate. The plaintiffs argue that this is further evidence that the lot is owned by the Armenian community and not the Patriarchate or the church.

The lawsuit also criticizes the business logic behind the sale, specifically the lack thereof. "This is a large area of land without equal in the world, leased at a rent that is less than the rent paid for a single apartment in Mamilla area or in the Talbieh neighborhood or in the Jewish Quarter," it says.

"What we are claiming against is the dispossessing of the Armenian community of the most valuable property in the city and perhaps one of the most expensive properties in the world at a ludicrous price, indicating the depths of the illegality and corruption adhering to this agreement.

"The claim is a milestone in the protection of assets of the Armenian community in Jerusalem," said Arshid. "The documents filed are intended to prove that the Armenian Gardens is the property of all members of the community. The land is an endowment property of the community, and the deal

signed for it between the Patriarchate and Xana Gardens is therefore null and void."

Arshid emphasizes that the claim is also intended to "symbolize the unity of the community's members and their powerful wish to prevent construction of a megalomaniac project in the Armenian Quarter. Moreover, the Patriarchate itself admits that the project was made in a corrupt deal."

The Armenian Patriarchate declined to respond to the claim at this time. No response has been received on behalf of Xana Gardens.

Keghart.org. The piece of land called Cows' Garden was not sold; it was leased for 99 years. For details see Scandal at the Armenian Patriarchate of Jerusalem.

There are no comments yet.