

# LAWYERS ACQUIRED ILLEGAL LAND LEASE CONTRACT DESPITE STONEWALLING PATRIARCH

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**Keghart.org** interviews Jerusalem activist Hagop Djernazian, who along with Setrag Balian and several other concerned Jerusalemites, helped expose and publicize the illegal Goveroun Bardez (*Cows' Garden*) contract secretly signed by Patriarch Nourhan Manougian, now defrocked Rev. Baret Yeretsian, and Archbishop Sevan Gharibian. The 98-year lease gave away twenty-five percent of the Armenian Quarter to Israeli interests. Djernazian comments on the findings of the lawyers who recently returned from a fact-finding mission.



**KEGHART:** *Tell us about the recent fact-finding mission of the team of mostly Armenian-America lawyers to Jerusalem?*

**HAGOP DJERNAZIAN:** The day Jerusalem's Armenian community rose and drove out the defrocked Fr. Baret Yeretsian from the Armenian Convent international lawyer Karnig Kerkonian texted me asking about the situation in Jerusalem. I told him of the latest developments. We agreed to work together. Few weeks later, a delegation of Armenian lawyers arrived in Jerusalem. The delegation was headed by Mr. Kerkonian, international lawyer Elizabeth Al-Dadjani, criminal lawyer Garo Ghazarian, human rights defender Arman Tatoyan, and senior law clerk Ani Nazaryan. The lawyers first stopped in Amman (Jordan) where they met Dr. Wasfi Kilani and Dr. Ramzi Khoury representatives of the Jordanian and Palestinian governments. Two days later they came to Jerusalem where they started their meetings, beginning with community members. Afterwards, they met representatives of the Patriarchate, heads of the other Churches, local lawyers, Palestinian government representatives, and Jerusalem municipality representatives. Their visit to Jerusalem was very helpful: for one thing, it gave the community hope and thus the impetus to continue the struggle. The most important accomplishment of the lawyers was the acquisition of a copy of the 98-year lease contract. The lawyers completed their 184-page report a few weeks ago. The lawyers' report is of historic importance. For two years the Goveroun Bardez scandal has been on the table unresolved. No community member had seen the contract. It's worth mentioning that *Keghart* was the first in publicizing the scandal and staying on top of developments. After two years of uncertainty and the absence of facts, Jerusalemite Armenians and Armenians worldwide are now better informed about the scandalous deal due to the lawyers' report. Their document will be used

for legal proceedings and, of course, by reading it, future generations will learn about the historic importance of Jerusalem and about the scandal which shook not just Jerusalem Armenians but all Armenians.

**KEGHART:** *What are the contract details which Patriarch Nourhan kept under wraps for more than two years and what are the highlights of the lawyers' report?*

**HD:** The document includes 31 pages of reports, conclusions and steps to be taken to reverse the illegal contract. It also includes the 10-year lease contract with the Jerusalem municipality in addition to the illegal 98-year lease contract as well as numerous appendices collected throughout the past two years. As well, it includes the plan presented to the Municipality by the Australian-Jewish developer Rubinstein/Rothman who has stated he would build a seven-star hotel at Goveroun Bardez.

**KEGHART:** *Tell us more about the 98-year contract.*

**HD:** The 98-year lease contract contains 21 pages with page four missing. Thus our knowledge of the contract is incomplete. The contract is written in English and is signed by the Armenian Patriarch of Jerusalem Archbishop Nourhan Manougian, Archbishop Sevan Gharibian, defrocked Fr. Baret Yeretsian, and Rubinstein/Rothman of Xana Capital.

**KEGHART:** *What are the highlights of the contract?*

**HD:** Some 11,500-sq. meters were leased as part of the 98-year contract to Xana. That includes Goveroun Bardez, five homes, the Patriarch's Garden, the Patriarch's private parking as well as the hall of the seminary. It covers 25 percent of the Armenian Quarter. In effect, all of the western part of the Armenian Quarter.

The first phase of the lease covers 49 years. After that, there's an option for another 49 years. Only Xana Capital has the right to decide whether to extend the contract for another 49 years. Xana Capital has also the right to use adjacent lands. Unfortunately, we don't know what are these adjacent lands.

Xana Capital will pay an annual fee of \$300,000 to the Patriarchate. That is \$25,000 per month for 11,500 sq. meters. An incredible bargain for Xana.



**Scheme 1: Total units: 69 (target 75); total area:14,500 gross SQM (target 16,000 SQM)**

**KEGHART:** *How did the lawyers get a copy of the contract? From the Patriarchate or the municipality? If not from the Patriarchate, why not?*

**HD:** The lawyers got a copy of the contract from a third party and not from the Patriarchate. As many of us know, the Patriarchate tried to hide the contract. Many Jerusalemite Armenians asked to see the contract, but the Patriarchate refused to show it to them. The Patriarchate didn't give a copy of the contract to the lawyers either.

Some have asked that since the Patriarchate didn't give the contract to the lawyers, how are we sure what was received from the third party is genuine? We know what we have is genuine because we were able to confirm it with the Patriarchate that it is a genuine copy. The Patriarchate has the contract with the missing fourth page.

The contract is absolutely scandalous and a disaster. According to the report prepared by the lawyers, Yeretsian's role in the negotiations on behalf of the Patriarchate is corroborated as is Yeretsian's working relationship with counsel for the Patriarchate (Joseph Avneeri) to whom the development contract awards significant fees to be paid by Xana Gardens Ltd.

It is important to mention also the role of Patriarch Manougian. According to the lawyers' conclusion: "While Patriarch Manougian has denied any role in the negotiations of the development contract in response to the accusations levelled by Yeretsian, we have not been able to independently confirm the truth of the Patriarch's denial. "

It is worth recalling that Yeretsian refused to meet the lawyers despite many attempts by the commission to interview him.

**KEGHART:** *Now that lease details (minus p. 4 and the annexes) are known, the next concern is how to cancel/reverse the contract. What's the advice of the lawyers? What are the steps necessary to cancel the deal?*

**HD:** The community is working with the lawyers to find a way to reverse the deal. A glimpse of hope is that the deal violated the constitution of the Patriarchate and that there are manipulations in the deal. According to the report prepared by the lawyers, the manipulations are as follows:

1. The date on the contract appears to be altered from July 7 to July 8, 2021 to reflect the day that Xana Gardens Limited was registered in Israel.

The date appearing on all the pages have been typewritten as 7 July 2021 and then on the first and last page a handwriting changes the 7 to 8. Xana Gardens, as mentioned above, wasn't registered as an Israeli company until July 8, 2021. The contract was signed on July 7, 2021. That is, Xana Gardens Ltd. didn't exist yet as a registered company in Israel when it purportedly signed the contract.

2. Another point which can be considered manipulation is that nowhere in the contract does it specify the identity of the individual signing the contract on behalf of Xana Gardens Ltd. The certification part, which was supposed to be signed by Danny Rothman is not signed by him while the certification part for the Patriarchate is signed. The lessor is not only identified by label but by individual names and positions of the people signing on behalf of the Patriarchate. An attorney certification appears for the Patriarchate's signatures.



**KEGHART:** *What's next as far as the community is concerned?*

**HD:** The community is working in many different ways to reverse the deal and also to make the public aware of the scandal. In the upcoming weeks, the community will announce its steps and the way people can help us.

**KEGHART:** *The Patriarch and Archbishop Gharibian have said they would reverse the deal. Are they working at it? If not, why not?*

**HD:** From what I know and have heard from the Patriarchate clergy, those who hold high positions in the Patriarchate are working on canceling the deal. I don't know how they are planning to do it. The Patriarch and those around him said at the outset that they needed two months to reverse the deal. But we are entering the end of the third month since the Patriarch said he would reverse the deal in two months.

**KEGHART:** *How much would it cost to cancel the contract? Where will the money come from? What's the community's mood like?*

**HD:** I don't have a specific figure. None of us, including the lawyers, know the amount. If money is needed, I'm sure the Patriarchate, the community and the Armenian nation will work together to raise the required amount to pay the cancellation penalty. Our goal is to reverse the deal and return Gouven Bardez to Armenians.

We, meaning the community, are full of hope that we will succeed in the struggle. The visit of the lawyers gave everyone a glimpse of hope. We should stay positive to reach our goal.

Regarding the above, I would like to make something very clear: there are many sensitive points in the struggle. We all should be very smart and think twice before we act. We are fighting against very powerful people. But we, as a community and a nation, are stronger than those who are trying to change the integrity of the Armenian Quarter. We will succeed if we stay united, act wisely, and believe in those who are working 24/7 to reverse this deal.

I would also like to take this opportunity to thank the Keghart.org team for being at the [forefront of reporting, since 2021](#), the Goveroun Bardez and other real estate scandals of the Armenian Patriarchate .

**Note: Photos represent the developer's plan for Goveroun Bardez. They were obtained from the municipality by the Armenian lawyers.**

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## Comments



**Mesrob** – 2023-11-22 12:14:39

Even if Patriarch Nourhan signed the real estate deal, it's an illegal for several reasons. 1. While the lease is for 98 years, the Sts. James Brotherhood (the clergy) has among its regulations the clause which bans any lease that's for more than 49 years 2. The Brotherhood regulations call for the approval of any real estate deal by the Brotherhood, especially the Holy Synod. Patriarch Nourhan is a signatory to the above regulations. 3. Patriarch did not get the approval of the Holy Synod when he signed the deal. 4. The deal was signed a day before the incorporation of the developer's company. The developer then crossed out the date he had signed and brought the day earlier. In other words, the developer's company did not exist when its representative signed the deal. While the conversation here is about a sale, it is not a sale: it's a 98-year lease. However, it's the same as a sale because of the following. A Jerusalemite Armenian says that according to Israeli law any lease above 25 years is considered as a sale and not a lease. The law is called Bayovca and Bondet.



**John Aidiniantz** – 2023-11-21 14:04:35

Let the contract be published even if it is missing 4 pages (which may be important) as well as the lawyers' report. The whole notion of leasing or selling land stinks but let the facts continue to be published.



**Vatche Karmandarian** – 2023-08-07 01:40:19

Dear all, This land belongs to the Armenians. It should be developed by Armenians, stay in Armenian hands for the coming generations and live In Jerusalem .

**Hayorti** = 2023-07-30 21:50:10

I'll address Mr. Terzian's first paragraph and hope others respond to the rest. Specifically, I will respond to his "Just because this one [Danny Rubinstein] is Jewish, it does not mean the property would be ceded to Israeli interests." There is the whiff of anti-Semite accusations in that Terzian sentence. He is saying those who oppose the illegal contract do so because Rubinstein is Jewish. To be charitable to Terzian, I will say he has written that sentence because he is ignorant of the demographic picture in Jerusalem's Old City and is unaware of the blatant Israeli/Jewish intention to drive out non-Jews from the Old City. Every day, non-Jews have to fight a new Israeli bureaucratic gimmick to make living in Jerusalem impossible for non-Jews while settler stormtroopers attack non-Jews, their businesses and clergy. Just today nuns were advised not to wear the crucifix so as to avoid settler attacks. Jerusalem has become a battleground for a war Israelis/Jews are waging against Christians and Muslims. The racism, in other words, oozes not from the Armenians or other non-Jewish communities but from the people who want to drive out non-Jews from the city. That being the case, it's criminally inattentive to hand over 25 percent of the Armenian Quarter to Jewish/Israeli interests. The hotel that Rubinstein says he will build, will be a vast Jewish presence with a lot, if not, most of the guests Jewish tourists from overseas. It will be managed and staffed by Jews. Noisy weddings and parties will be held which would be audible to Armenians. It will create noisy traffic log jams around the Armenian Quarter and practically erase the Armenian character of the Armenian Quarter. And if Terzian believes the property would be returned to the Armenians after 98 years, he must also believe in Santa Claus. Incidentally, I have been told by Jerusalemite Armenians that Rubinstein is free to change his mind and build a Jewish housing development rather than a hotel. That would be even a worse outcome for Armenians. The contract doesn't say he is limited to building a hotel. He can also sublease it to settlers to build whatever they want. Knowing that Israelis/Jews resent the presence of the tiny non-Jewish minority in the city, the illegal contract is an anti-Armenian political act. To say it was a purely business deal [Yeretsian's words] is ignorant at best and criminal at worst.



H - 2023-07-30 17:17:29

Responding to Arthur. What you consider folly is if khachig yeretsian did not work with the church hired counsel. Correct. The folly, however, was that as patriarch, Nourhan assigned him as director of Armenian church/nation valuable properties. When because of Yeretsian's lack of education in world affairs, he would have been no match to work with a savvy shrewd counsel. As the Armenian Church and nation have witnessed, khachig bloating with greed for power and riches, ended up working for the counsel, not the other way round. Since being defrocked and thrown out of the community, he seems to be hiring pseudo journalists to speak/write for his innocence. Certainly the patriarch is the main source of this illegal activity. Signing illegal documents for lease or sale of church properties not belonging to him. Khachig Yeretsian will never be innocent in the eyes of Armenians except for those who get paid to speak for his innocence. What Patriarch nourhan and khachig have caused to happen, is having unbiased dedicated lawyers from abroad volunteer their time to investigate what has transpired. In a challenging, muddy situation they worked hard to bring as much clarity to the community and all Armenians as possible. Granted you may not be sufficiently familiar with the properties in question and the predicament. But please give credit to great lawyers volunteering their time and using correct terminology for common people to understand. The patriarch, khachig, and sevan will be exonerated only when all three apologize to the nation and the patriarch rescind his signature from the illegal lease document. Thanks for trying.



A - 2023-07-30 14:49:57

Marc, Thank you for your comments. Clear and to the point. Naively Armenians have always believed we had common history with the world jewelry when it came to persecutions. Wrong. Going back to the Genocide of the Armenians by turkey, to the cluster bombs and drones over Nagorno Gharapagh/Artsakh, to the Armenians in the Holy Land, to understate, Zionism has not favored the Armenian presence anywhere. In Historic Armenia, Artsakh, and since 1947 and the establishment of the state of Israel in the Holy Land. Even when Palestine was partitioned and East Jerusalem and the West Bank of Jordan were under the jurisdiction of the Hashemite kingdom of Jordan, the St James Patriarchate in East Jerusalem, was under pressure from the Israeli authorities in Jerusalem. The Jaffa monastery prime location as example and more. However. Knowing his own vulnerability, patriarch Nourhan could have defrocked and dislodged Yeretsian way back, and resigned his position. That would have been honorable thing to do. But he chose to hide the lease documents he signed illegally, and stay disgraced by the Armenian nation as a whole.



**Arthur Terzian** – 2023-07-30 03:05:41

This is a vague poorly prepared, slated report. What does it mean: "The 98-year lease gave away twenty-five percent of the Armenian Quarter to Israeli interests."? There were Armenian and other developers that were turned down by the Patriarch. Just because this one is Jewish, it does not mean the property would be ceded to Israeli interest. What on earth are they saying here? "The contract is absolutely scandalous and a disaster. According to the report prepared by the lawyers, Yeretsian's role in the negotiations on behalf of the Patriarchate is corroborated as is Yeretsian's working relationship with counsel for the Patriarchate (Joseph Avneeri) to whom the development contract awards significant fees to be paid by Xana Gardens Ltd." Absolutely nothing! Yeretian never denied having a role in the deal. Sure, he was the Director of Real Estate, but he was never the decision maker! Of course Yeretian worked with Counsel. If he didn't, he'd commit great folly. Accusing someone of doing the prudent thing I guess is the accepted norm in this post-modern chaotic world.



**Vahakn** – 2023-07-29 22:26:16

Mr. Dwyer, Thank you for your questions and speculation about what's behind Patriarch Nourhan's inexplicable behavior. Since the scandal became public, I have wondered about the mindless--if not treacherous--decisions of the Patriarch. I have concluded he has been blackmailed by certain parties who have access to the world's best espionage technology, not to mention Armenians who have been forced to spy because of their vulnerable situation. Without getting into the sordid details, I know Patriarch Nourhan can be blackmailed. When someone betrays his Church and nation after serving them for more than fifty years, one has to wonder about the reason for the 180-degree tilt in his behavior. Since the scandal became public, Israeli authorities have remained suspiciously silent. Likewise the terrorist-settlers who have made no secret that they want no non-Jew in Jerusalem.



**Marc Dwyer** - 2023-07-29 21:28:54

This is useful information. Thank you, Keghart and Mr. Djernazian. I wonder if the Patriarch was put under pressure, especially -- how shall I say this? -- some sort of illegal and/or immoral personal coercive pressure, the nature of which one can only speculate about. I would be sure that there are regional "agencies" that are experts at covertly gathering information about persons and/or institutions that can be used behind the scenes as very effective forms of coercion. Otherwise, I can't think of a good reason why a Patriarch would behave in a manner contrary to the interests of his constituents and why he would seek to keep the contract secret. Finally, the amount to be paid by the Israeli interests in this case is absurdly low, utterly ridiculous, shameful, a pittance, and an obvious "ripoff." One should look a bit deeper into Israeli aims regarding the presence of Armenians in Jerusalem and into the personal backgrounds of the Patriarchate's members and its financial state. A foreign state that sends drones, other weapons, and personnel to kill Armenians is highly suspect. Israel also will not acknowledge the Armenian genocide. That is hypocrisy rarely seen among so-called civilized countries. Moreover, that particular state's powerful lobby in the United States back Israel 100% and so is always fighting and defaming Armenians, Armenia, and Artsakh. This may be one reason why the mainstream American media cares little about the Jerusalem issue. Of course, America has become largely de-Christianized, and many of its Christians care more about Israel than about Christians.