LEGAL ACTION TO PROTECT JERUSALEM'S HISTORIC ARMENIAN GARDEN

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Category: Opinions

FEBRUARY 18, 2024 ARMENIAN QUARTER – Today, the Armenian Community of the historic Armenian Quarter has officially filed a lawsuit to invalidate the lease between the Armenian Patriarchate and Xana Capital.

The Community's legal action asserts that the property is held in trust specifically for the benefit of the Armenian Community pursuant to a waqf trust established more than 400 years ago. Under the waqf trust, which is legally enforceable, the property cannot be leased or sold by the Patriarchate if the transaction does not inure to the direct benefit of the Armenian community and if the transaction is not consented to by the Armenian community. Here, the transaction has neither been consented to by the Armenian Community nor does it inure to the benefit of the Armenian Community.

The Armenian Community's position aligns squarely with the stance of the Saint James Brotherhood. In 2021, seventeen members of the Brotherhood, a majority of the members of the supreme body of the Patriarchate, issued a statement publicly opposing the deal and declaring that the Patriarch lacked the requisite authority and conditions to execute the purported agreement. As such, the Armenian Community's legal case underlines the Patriarchate's lack of authority to enter into this specific deal.

The Community's lawsuit gives necessary legal voice and crucial legal strength to the objective of canceling the purported agreement and protecting the land—-a goal the Armenian Community, the Armenian Patriarchate and the global Armenian diaspora share. The Armenian Community has specific rights that must be raised and must be protected by the Armenian Community itself. This land holds immense historical and cultural significance, symbolizing the Community's and the Patriarchate's enduring presence in the region, and the Community is committed to preserving the integrity of the Armenian Quarter of Jerusalem and protecting itself from the existential threat posed by this purported deal with Xana Capital.

Since the Community learned of the illegal lease, Community members had weekly demonstrations to vocalize their stance against the deal. The Community has remained on the ground for over 100 days, camping in tents 24/7 to defend against physical threats and attacks on the land. The Community understands that its very survival hinges on protecting this land. It now presses forward to enforce its historic rights in the land itself and to confirm the invalidity of the lease in the District Court of Jerusalem. Importantly, the Community's lawsuit bolsters the Patriarchate's existing lawsuit with crucial arguments that are within the Community's rights in order to halt this attack on the Community's historic presence, heritage and existence in the Old City of Jerusalem.

The Armenian Community of Jerusalem stands as one united voice. It stands together for the principle that only justice will suffice. It stands firmly on the belief that the lack of transparency and collaboration with the Community is what has brought the Armenian Quarter to this existential moment—-and that it is enough. The Community will fight until the end to ensure that the Armenian Quarter remains untouched, that it remains Armenian, and that it remains for the benefit of the

Armenian people. These are the very principles that have united the global Armenian world—-and our allies who understand the value of that unique mosaic that is the Old City of Jerusalem—-to save the Armenian Quarter.

The Community has been committed to carrying out this powerfully unifying mandate on the ground, and it is now establishing its legal rights in the courts. Hundreds of community members have signed in support of the legal fight to protect their historic rights and to protect this crucial property that has served the Armenian community for generations over the centuries, from a place for sustenance and social life, to a refuge to house Armenian Genocide survivors, and to providing access to the people to their schools, churches, and community institutions. The Armenian Community will stand in defense of its rights on the ground and in the courts.

The Community insists that the parties to the lawsuit, and those under their direction, refrain from any and all retaliatory measures against Community members. To this end, the people ask the international community to remain vigilant, to stand with the Armenian Community against any such threats, and to continue to voice their support for the Armenian Community in its unwavering commitment to protect the Armenian Garden, to protect the rights of the Armenian Community, and to protect the very future of the Armenian people in Jerusalem.

There are no comments yet.