

# A REPORT ABOUT THE DEVELOPMENT PROGRAM OF THE PATRIARCHATE'S LAND PROPERTIES IN TALPIOT

His Beatitude Patriarch Theophilos III and from the First day of His election as a Patriarch, has assigned the patriarchate's judicial and architectural team to search and investigate about the land properties owned by the patriarchate and to inquire about their status. In the year 2008 and through these investigations, it was ascertained that, the piece of land No. 2 plot 30288 with an area of 43 dunum located in Talpiot west of Jerusalem, is exposed to the danger of confiscation by the Municipality plans which had a public road going to be opened through it.

At the end of the year 2004 the Israeli local and municipal Authorities and the Israeli land Authority, presented the land planning project ( No. 3/5834 ) subsumed in the frame of many other projects agreed upon in advance concerning the areas of **Talpiot and Giv'at Hamatos**, the two areas that surround the land property of the patriarchate mentioned above and which are within the land properties of **(1948)**. This land is not related to the land of **St. Elias** even though it is near the village of **Beit Safafa**. The land is part of a continuous area of about 200 dunums owned by the patriarchate in the same area. More than half the 200 dunums are located inside the borders of **(67)**, but the 43 dunums land mentioned above is located within the lands of west Jerusalem and stretches, in certain extents, to the so called " the forbidden area " that separated between the borders of the State of Israel and the Hashemite Kingdom of Jordan at that time.

Through these investigations and through the procedures taken for the protection and preservation of this land it was ascertained that it still faces many dangers and risks, both from the Municipality of Jerusalem and from the contracts and deals signed by the deposed, monk Ireneos, resulting in difficult judicial and procedural conditions related to this land and its protection. These conditions imposes the need to embrace the Patriarchate, its decisions and actions against the confiscation of that land, not the impoverishment of the Patriarchate and the provocation of division in the Orthodox line by dispersing rumors and by calling for conspiracy meetings. The first of those dangers is the confiscation of the land mentioned above by the Municipality of Jerusalem, and the Israeli land Authority which is still present and exists till now; and if this happens the Municipality will implement all her decided plans on this land. The second danger is that the deposed, monk Ireneos rented this land twice to two different parties. One to a local constructor and the second to Nicolas Papadimas who is famous for his bad reputation and his intents and involvement with the settlers in relinquishing the real estates of Jaffa Gate. As for the third danger it is that of the deposed, monk Ireneos himself again by giving to the right-wing extremist Arie Golovenshish, the owner of company B.A.R.A., the right to manage and control all the Orthodox real estates in the country. In this specific report we will also reveal the details of the dangers of the contract signed by Ireneos to B.A.R.A.

### **The risk of confiscation – Municipality of Jerusalem and Israeli land Authority**

The Israeli land planning project defined the land of the patriarchate mentioned above as a “green area”: an open public area that can be confiscated for the opening of roads, gardens and public area. It is worth noting that the Israeli law for

land planning and construction of the year 1965 stipulates that the ownership of the confiscated land is transferred and registered under the name of the municipality of Jerusalem, which means if this confiscation of the land succeeds the patriarchate loses it forever. The Deposed former Patriarch Irineos, during the period of his accession on the patriarchal throne and even after the announcement of the municipality's plan of confiscation of this land, did nothing to object although he had the legal right to do so.

### **The dangers and risks as a result of the deals signed by the deposed, monk Irineos - (B.A.R.A. and Papadimas)**

#### **The contract signed between Irineos and B.A.R.A.**

In late 2007 and while the Deposed former Patriarch Irineos had recognition as Patriarch by the Israeli government, he signed a contract with B.A.R.A. in which he gave to this company the complete and exclusive right of management and disposal with all the real estates and properties of the patriarchate including the monasteries, the churches in Jerusalem and the old city and in all the Holy Places. This company is owned by the right-wing extremist Arie Golovenshish. The danger resulting from this signed contract threatens all the Patriarchate's properties including the land mentioned above. Through the patriarchate's reactions and opposition relating to the above mentioned land, and the patriarchate's legal team, the Patriarchate managed to expose this very dangerous contract, and confront it through the Courts. For more information and details about the points of this contract and the procedures undertaken by the patriarchate to challenge it please review the last chapter of this report.

#### **Lease contract signed by the traitor Irineos on the same piece**

## **of land with two different parties.**

The traitor Irineos signed a lease contract for the same piece of land mentioned above with two different parties. The first party is a local contractor well known for his continuous backing and support to Irineos, and still there are serious doubts about who stands behind this contractor and this contract since he is well known for his inability to solely invest and develop this land. Note that this agreement was signed in 2007, after the dismissal of Irineos. As for the second party, on the 15-09-2003 Irineos signed a lease contract on the same piece of land to the so called Nicolas Papadimas whose name was linked with the contracts signed on the properties of Jaffa Gate and who is at present wanted by the Interpol. This signed contact empowers Papadimas to a complete disposal of the land, and does not prevent him from transferring his acquired rights earned from this contract to any third party.

## **Procedures taken by the Patriarchate to save this land and opposing the confiscation and leakage.**

The solution was to oppose and resist the municipality's land planning ( No. 3/5834 ) and change the classification of this land from a "green area" and "open public area" to a "buildings" area suitable for building and to present a development project which concretizes the Patriarchate's right of ownership and prevents the danger of confiscation forever; keeping in mind that this solution calls for an immediate presentation of complete project plans. This solution was discussed during the Holy Synod's session held on the 17/11/2008 where the following decisions were taken.

1. Exposing all contracts signed by Irineos with the local contractor and Papadimas and taking all procedures needed for canceling and annulling them.

2. To present an opposing plea against the municipality's land planning (confiscation plan)

3. To select one of the biggest land developing companies in order to achieve the following goals:-

- Changing the classification and category of the land from a "green land" and "open public area" to a "building" area suitable for building.
- Follow up with the municipality (through lengthy procedures) in order to get a construction license and building permits for this land
- The payment of all taxes, fees and surcharges which are estimated to be tens of millions of dollars
- The construction of not less than 100 apartments on an area of 12.000 square meters for the patriarchate and its community
- Only if the company succeeds in executing all the above, then the Patriarchate will sign a long term lease contract with the company for the rest of the buildings which the Municipality permits to build on the land. After the term of this contract the land and all the above buildings go back to the Patriarchate's ownership.
- There will not be an option clause in the contract to extend the term period of this contract.

In addition,

- To act in order to register, in the name of the Patriarchate, a land with an area of 17 dunums which is adjacent to the land of the Patriarchate (the 43 dunums mentioned above); because at present it is registered under the name of the Israeli authorities; it is ours and we are claiming our right of its ownership

- It is also worth mentioning that some parties try to distort the real area of the land and claim that it is an area of 71 dunums which is not true. The real area is 43 dunums, in addition to the adjacent land area of 17 dunums on which the Israeli authorities claim ownership. Thus the total area is 60 dunums. But if there is a need to put pressure on the municipality, in order to increase the constructing project opportunities of success, the patriarchate will allow the virtual use of an area of up to 11 dunums from an adjacent land, which is also classified as a "public open area", without its actual use for any additional buildings.

The company of Mr. Shraga Beran is one of the best companies for land development. He offered his services for the achievement of the above mentioned goals. He is a very famous business man with good reputation and a history full of achievements in this domain especially in changing the classification and category of lands. His group of companies has a history of more than forty years. Mr. Beran himself is a leftist business man therefore it is naturally that he will take part in the efforts done for the rebuttal of the risks that threaten the above mentioned land.

The negotiations with Beran company were held between September 2008 and April 2009 in which a conditional agreement for implementing all the above was signed on the 28/4/2009 As it is usually followed in the execution of big projects, a new company was registered for signing this specific contract, having a limited financial liability in order not to effect the mother Company. And the registered company will bear the name of the land's location which is "The Company of New Giv'at Talpiot limited. And the signed contract with this company is stipulated with the implementation of all the items mentioned above within a timeframe of five years only and

after this period the contract becomes automatically cancelled.

Foiling the attempts of B.A.R.A.. and the deposed, monk Irineos, to control the land properties and real estates of the Patriarchate.

1. On the 23/6/2008 B.A.R.A.. referred a letter to the Orthodox Patriarchate informing her about a contract signed with the removed monk Irineos in which the company is given the exclusively complete right of disposal and management of all the Patriarchate's properties. The company attached to the letter a copy of the contract that was signed with monk Irineos and requested a meeting with all the responsible people in the Patriarchate. It was revealed later that the owner of this company is the extremist right-wing leader Arie Golovenshish.

2. On the 7/7/2008 the Patriarchate referred an answer on the above mentioned letter to the company through her lawyers, rejecting any link or knowledge of this contract that the company claims.

3. On the 14/7/2009 B.A.R.A.. sent a second letter to the Patriarchate's advocate repeating its request mentioned in its first letter dated 23/6/2009

4. On the same day the Patriarchate answered through her lawyer to the company's letter and affirmed her stance in not recognizing the claim of the company. And she warned the company from committing any attack or violation on the patriarchate's properties otherwise the Patriarchate will resort to legal procedures and to the police.

5. On the 21/6/2008 B.A.R.A. referred to an arbitrator as per the agreement with the removed monk Irineos and brought a law suit against the patriarchate to force her to recognize

the signed contract with Irineos. Thanks to the non-recognition of the Patriarchate of this arbitrator, who derives his power from the signed contract between the company and monk Ireneos, the arbitrator was not able to decide on the case and was forced to reject it.

6. On the 3/3/2009 B.A.R.A. referred to the central court with the same law suit referred to the arbitrator but this time it was against Ireneos too because he failed to fulfill his obligations towards the company as per the signed contract between the two and the Patriarchate non recognition of the contract.

7. On the 2/4/2009 the Patriarchate presented a list of defense to the central court where she affirmed her refusal to recognize the agreement between Irineos and B.A.R.A..

8. On June 2009 advocate Imad Shoukri, representing Irineos, presented a list of defenses stating clearly the validity of the contract in which his client waived the rights of the Patriarchate in her property for the benefit of B.A.R.A. This further shows again the links between the removed monk Irineos with the suspicious groups.

when the Patriarchate went to register the development agreement with Talpiot Hahadasha co. in the Land registry she was surprised to find that B.A.R.A. registered a notification on the land and on almost all the Patriarchate's land properties based on the contract signed with Ireneos which gives the company the exclusive and complete control on all the properties of the patriarchate to exploit them in the way the company sees it appropriate.

The patriarchate tried to cancel the contract between Irineos and B.A.R.A. in the land registry, but she didn't succeed



therefore she referred to the central court of Jerusalem on the 14/7/2009 where she requested an injunction order which prevents B.A.R.A. to act according to this contract and according to the powers of attorney granted to the company by Irineos.

The patriarchate received a temporary injunction order against B.A.R.A. preventing the company from using the contract signed by Irineos in any institute or in registering any notification in the land registry. In the hearing session the witnesses were questioned. One of them was Bishop Isichios who was questioned by advocate Ze'ev Sherf on behalf of B.A.R.A. Advocate Sherf is the advocate of Ateret Cohanim Settler foundation and the advocate who pleads on behalf of the Settler companies in the cases of the real estates of Jaffa gate which were leaked during the era of the deposed Irineos

On the 28/7/2009 the central court issued a judicial order to the benefit of the Patriarchate in which the court affirmed the temporary injunction preventing B.A.R.A. from acting in concern to the real estates, of the Patriarchate, that she tried to control until a final decision on the case is given.

**Chief Secretary's Office**