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Squeeze on Christians in the Holy Land

A court has upheld a dubious deal giving a Jewish settler group possession of church-owned buildings

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The Petra Hostel at Jaffa Gate, Jerusalem, is one of the church-owned properties awarded to the group Ateret Cohanim AHMAD GHARABLI/AFP/GETTY IMAGES

Christian leaders in Jerusalem are aghast at an Israeli Supreme Court judgment this week that upheld a secret and dubious deal giving an extremist Jewish settler group ownership of several strategic properties in the Christian quarter of the Old City.

There is a fear among all churches that this will increase pressure on the dwindling number of Christians in the Holy Land and encourage fresh attempts by right-wing Israeli politicians to impose new taxes on the large property holdings of many churches. Christian leaders also fear that settler determination to “Judaise” Jerusalem could accelerate Christian emigration, hollowing out the community and threatening regular worship and age-old Christian festivals.

The ruling comes 15 years after a former Greek Orthodox Patriarch leased four sites, including a hostel right beside the Church of the Holy Sepulchre, to Ateret Cohanim, whose aim is to “redeem” land in Jerusalem and expel the city’s long-term non-Jewish residents. The 99-year leases were negotiated in secret by a junior 29-year-old official of the patriarchate for a sum less than half the market value. He subsequently fled to Greece, where he was arrested with more than €100,000 in cash and more than that again in jewellery and watches. He then escaped to Panama.

News of the deal caused fury in the Greek Orthodox Church and among other Christian denominations in Jerusalem. Patriarch Irineos was deposed within weeks and reduced in status to a monk, but key documents relating to the contract disappeared. A new patriarch, Theophilos III, was elected and he declared the leases invalid because they were obtained by fraud, without the agreement of the Holy Synod or the patriarch’s signature.

Ateret Cohanim waited four years before taking legal action in 2008 to take possession of the four sites, comprising a substantial hotel at Jaffa Gate, a smaller nearby hotel, a property near Herod’s Gate and the St John hostel, now occupied by settlers with armed guards.

In 2017 a Jerusalem district court hearing ruled against the church, which then appealed. The appeal court delivered its final verdict on Monday. Unless substantial new evidence can be produced, this cannot be challenged, even though the judges in both court cases criticised the methods used by Ateret Cohanim. The behaviour of former Patriarch Irineos was widely condemned by Christians in the region and by the other churches, especially because the Greek Orthodox Church is the most senior, has by far the largest land holdings and is one of the three churches — together with the Armenians and the Roman Catholics — with responsibility for guarding the Holy Sepulchre.

Recent relations between the Israeli authorities and the 13 Christian churches in Jerusalem have become increasingly fraught. Until recently the city's former mayor Nir Barkat respected the churches' cherished "status quo", which broadly argues that their rights and properties, most of which were established in Ottoman times, should not be changed until the overall political status of Jerusalem has been settled in an Israeli-Palestinian peace agreement.

Two years ago, however, he announced new property taxes on church land backdated for the past 27 years, amounting to about \$200 million. Fearing bankruptcy, the churches reacted swiftly and in February last year closed the Holy Sepulchre for three days, an unprecedented move, which caught public attention in the US and alarmed Binyamin Netanyahu, the Israeli prime minister. Within days the new taxes were set aside. However, the churches, co-ordinating their responses to the civil authorities through a council of them all where the Anglicans provide the secretariat, fear that because of the severe shortage of building land in Jerusalem there will be new attempts to tax their properties.

In a statement the Greek Patriarchate said: "Our legal team presented a clear case of bribery and corruption at the hands of the plaintiffs, Ateret Cohanim. It is depressing that such corruption is not regarded by the court as having a material impact on the sales that resulted from it." The church's concern now was for the tenants of the properties.

Founded in 1978, Ateret Cohanim runs a yeshiva (religious school) in the Old City and buys property from Arabs and Armenians. The organisation reportedly owns more than 70 buildings in the Muslim quarter of the Old City. Most of its considerable funds come from supporters in the US. The judgment on Monday noted that the organisation had paid \$35,000 to the Greek patriarchate official who negotiated the deal, and criticised its failure to explain this in court. But it ruled that this did not affect the validity of the sale.

Many of the churches in Jerusalem run schools and hospitals, funded by the rents collected from tenants on their lands. The churches say they fulfil a vital function in offering Christians education, although many Muslims also attend these schools, seen as generally of higher standard than state schools in the West Bank. The exodus of Christians from across the West Bank and Jerusalem makes these schools less viable and weakens the argument for the need for churches to retain the large property holdings inherited from Ottoman times.

Christian leaders argue, however, that they also have a huge responsibility to maintain holy places and shrines and minister to the increasing number of pilgrims arriving each year. More than two thirds of tourists to Israel are Christians visiting the Holy Land, a factor that carries some weight in the present arguments between various right-wing groups in Israel.