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Vatican
Vatican judges preside over the third session of the trial of six defendants accused of financia

Vatican judges preside over the third session of the trial of six defendants accused of financial crimes, including Cardinal Angelo Becciu, at the Vatican City State criminal court in this Nov. 17, 2021. Pictured from left are judges Lucia Bozzi, Venerando Marano, Giuseppe Pignatone and Carlo Bonzano. (CNS photo/Vatican Media)

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Vatican City — December 21, 2021
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Six months after the Vatican announced criminal charges in connection with a London property deal that cost millions, the Vatican City State court is still dealing with preliminary, procedural arguments.

But in an editorial for Vatican News Dec. 20, Andrea Tornielli, an official at the Dicastery for Communication, argued that was to be expected due to complications arising from the Vatican's penal code, which is older than and different from Italy's.

"This has created objective problems for all parties to the proceedings, who are asked to apply that code to factual situations that the legislator of a century ago could certainly not foresee," he wrote.

The Vatican court originally had brought to trial 10 individuals, including Cardinal Angelo Becciu, former prefect of the Congregation for Saints' Causes, and four companies on charges involving financial malfeasance and corruption in relation to a multimillion-dollar property deal in London.

But in October, the court ordered the prosecution to redo its investigations of four of the defendants and the four companies.

In his editorial, Tornielli said that although prosecutors applied a Vatican legal procedure from 1913, "various important norms have been added to that code" even before the initial investigation began.

Nevertheless, new forms of gathering evidence, such as "wiretapping or the seizure and use of computer equipment," were among the challenges prosecutors had to deal when applying the penal code, he explained.

During the trial's fourth session Nov. 17, Luigi Panella, the lawyer representing Italian investment manager Enrico Crasso, argued that conversations between the prosecution and Pope Francis regarding the case should be included in the evidence.

However, prosecutors argued that the mention of Pope Francis' take on the case did not refer to a private conversation but rather the pope's comments during a news conference aboard the papal flight from Japan in November 2019.

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The defense argued, though, that in a transcript of an interrogation, the Vatican prosecutor told a witness that the court itself had spoken to the pope about the case.

But, in any case, the prosecutors said, the 1913 code, known as the Finocchiaro Aprile, prevents Pope Francis, as the sovereign of Vatican City State, from testifying at the trial.

Tornielli also downplayed the criticism over the prosecution's handling of the case, which has led to several setbacks in their case, including the court order for it to redo its investigations, as well as arguments made by defense lawyers that the office was withholding evidence and testimonies.

"This is a phase that can be described as 'physiological,' when the activity carried out by the prosecution is brought before the judge and the defense teams are called upon to perform their indispensable task," he wrote.

Vatican prosecutors, he added, have expressed their "appreciation for the ordinary dialectic between the parties, prosecution and defense," while assuring the reliability of the evidence obtained during their investigation.

Tornielli also said that throughout the hearings, the Vatican court has shown "its desire to ensure respect for the right to defense and, more generally, for due process."

Nevertheless, at the Dec. 14 court session, Giuseppe Pignatone, president of the Vatican City State criminal court, gave a less-than-rosy assessment of the preliminary hearings, calling it "a construction site" while expressing his hope that by mid-February, the trial would begin to focus on the key accusations.

Another hearing devoted to procedural matters will take place Jan. 25.