News
Vatican
Vatican judge Giuseppe Pignatone listens during the third session of the trial of six defendant

Vatican judge Giuseppe Pignatone listens during the third session of the trial of six defendants accused of financial crimes, at the Vatican City State criminal court in this Nov. 17, 2021. (CNS photo/Vatican Media)

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A Swiss federal court has upheld a freeze on a reported 50 million euros in assets belonging to one of the suspects in a big Holy See fraud trial, rejecting among other things his argument that he can’t get a fair trial in the Vatican.

In a decision published this week, the Swiss Federal Criminal Court said a recent ruling by the Vatican court that threw out some of the charges on procedural grounds showed that “the guarantees for a fair trial are fully respected by the Vatican justice system.”

Italian broker Raffaele Mincione is one of 10 people, including a cardinal, indicted by a Vatican judge in July for a host of alleged financial crimes originating in the Holy See's 350 million-euro investment in a London property. Vatican prosecutors had sought judicial assistance from Swiss and other authorities as part of their investigation, as well as the preemptive seizures of assets of the suspects.

The Vatican tribunal on Oct. 6 effectively threw out the indictment against Mincione and three others because of procedural errors and ordered Vatican prosecutors to re-do their investigation to fix them. The prosecutors are expected to announce at the next hearing, Jan. 25, whether they want to re-indict Mincione and the others or shelve the charges.

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Mincione, who had handled the Vatican's original investment in the property, had petitioned the Swiss court to unfreeze his assets based on the Oct. 6 ruling, arguing among other things that he was no longer on trial in the Vatican. The Swiss court rejected that argument as “premature,” and also rejected his claims that he was being subject to unfair proceedings.

Mincione had cited structural issues in the Vatican legal system as well as four executive decrees that Pope Francis issued during the two-year investigation that gave Vatican prosecutors broad powers to pursue their case, including wiretapping suspects even outside the confines of the Vatican City State.

Other defendants have cited this papal intervention, as well as Francis’ modification of the laws after the investigation began, as evidence that the Vatican justice system isn’t independent or impartial. They have noted that the pope is an absolute monarch in the Vatican, with supreme executive, legislative and judicial authority, with the ability to make and break laws, hire and fire judges, and issue executive decrees. Suspects in the Vatican have no recourse to the European Court of Human Rights, since the Holy See isn't a party to the European human rights convention.

In an earlier ruling, the Swiss court rejected those arguments, citing recent legal and judicial reforms in the Vatican system, the December 2020 publication of the Vatican’s legal code, and concluded that “the impartiality of criminal justice in the Vatican is assured.”

In its recent decision, the Swiss tribunal cited that earlier ruling and added that Vatican prosecutors had assured the court that the laws in the Vatican hadn’t been changed during the course of the investigation “and according to the good faith between states, there is no reason to doubt the truth of this affirmation.”

Rejecting Mincione’s bid, it added that he had failed to show that the Vatican’s request for judicial assistance was “manifestly inadmissible,” or that the seizure of his funds was causing an “immediate and irreparable harm” to him.

This isn't the only asset seizure case related to the Vatican investigation. Last year, a British judge ordered the assets of Gianluigi Torzi released after he appealed. That judge determined that the Vatican prosecutors had made “appalling" omissions and misrepresentations in their request for British judicial assistance and concluded they didn't have much of a case against Torzi.