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A view of St. Peter's Basilica at the Vatican, March 11, 2020. (AP/Andrew Medichini)

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Vatican prosecutors on Thursday seemingly defied an appeals court order to turn over to the defense all the evidence gathered in the Vatican's big financial trial, setting the stage for another clash in the long-running case.

In a three-page letter, prosecutors said they would allow the appeals court judges to consult the material. But they didn't deposit the documentation for the defense to see in the chancery as ordered, saying it was "irrelevant" to the trial and could harm the Vatican's interests.

It wasn't immediately clear how the appeals court would respond. The next hearing is scheduled for June 22.

A vast inquiry

Prosecutors had acquired the material during their sprawling investigation into a 350-million-euro (around \$410 million) investment by the Vatican Secretariat of State into a London property. In December 2023, after a two-year trial, a cardinal and eight other people were convicted of several financial charges. But the prosecutors' overarching theory of a grand scheme to defraud the Holy See was thrown out.

Defense lawyers had argued from the start of the trial that their clients couldn't get a fair trial with key evidence either redacted or withheld entirely by the prosecution. They cited in particular the full interrogations of a key prosecution witness and contents of his sequestered laptops and cellphones.

Prosecutors had argued that the redactions were necessary to preserve the integrity of other, ongoing investigations and refused an initial Oct. 6, 2021 court order to turn over the documentation.

An order to turn over the evidence

Attorney Luigi Panella, defending money manager Enrico Crasso, had argued from the very start of the trial, in July 2021, that the indictment was null because prosecutors had withheld evidence from the defense.

Five years later, the appeals court on March 17 agreed with him and other defense lawyers. The court ordered the prosecutors to deposit in the chancery "all the acts and documents of the investigation in their integral version" by April 30.

In response Thursday, the prosecutors repeated their objection to the court ruling and reasoned that the material was "irrelevant" to the case. They said it "could pose a grave danger" to the public interest, if given over to the defense lawyers. Prosecutors told the judges the material remained in their offices and was available for "consultation" to the judges via USB drive.



Cardinal Angelo Becciu attends the consistory inside St. Peter's Basilica at the Vatican, Aug. 27, 2022. (AP/Andrew Medichini)

Court calls for retrial

The appeals court had determined that the refusal of prosecutors to provide all the evidence to the defense in the first round of the trial had nullified the original

indictment. The appeals court declared a partial mistrial and ordered a retrial.

Defense lawyers said the prosecutors' response to the appeals court order amounted to contempt.

"In what country in the world can it be that the acts (of an investigation) are shown to the judge but not to the defense?" Panella said in a telephone interview. "What concept of 'fair trial' can this type of statement represent?"

A request to end the trial

Attorneys Cataldo Intrieri and Massimo Bassi, defending former Vatican official Fabrizio Tirabassi, said that the prosecutors' response was unprecedented.

"We wonder how a fair judgment can be reached under these conditions," they said in a statement that urged the court to throw out the trial entirely.

Attorneys Fabio Viglione and Maria Concetta Marzo, representing Cardinal Angelo Becciu, said that the prosecutors' response constituted a failure to comply with the court order.

"This is precisely the selective discretion that the court has ruled out: the prosecution cannot unilaterally decide which documents the defense has the right to access," they said. "The right to defense, the equality of the parties, and the adversarial process require full access to the documents."

A separate blow to the Vatican

Swiss federal prosecutors shelved an investigation initiated in 2020 after the Vatican Secretariat of State accused Crasso, its former money manager, of embezzlement, fraud and disloyal administration in a complaint filed with Swiss prosecutors. The accusations paralleled those against Crasso in the Vatican tribunal.

Crasso had managed the Secretariat of State's assets while employed at Credit Suisse Italia and Credit Suisse in Switzerland, before he launched his own company and fund that took over the Vatican accounts.

In a decision dated April 23, Swiss federal prosecutor Annina Scherrer noted that the Vatican tribunal itself had acquitted Crasso and his company and fund of the same charges definitively and shelved the Swiss case.

But in her 31-page ruling, Scherrer noted "with a certain surprise" that her requests to Vatican prosecutors to question some of the key witnesses had been refused after clearly being sent to the Vatican Secretary of State to evaluate. She said that demonstrated the Secretariat of State's "influence" over the entire Vatican judicial system, which is supposed to be independent.

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