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Papal butler's lawyers say client acted out of love for church, pope

by Cindy Wooden by Catholic News Service

VATICAN CITY -- Everything Paolo Gabriele did, he did for love of the church and the pope, said the lawyers for the personal assistant to Pope Benedict XVI accused of leaking private documents.

However, Carlo Fusco and Cristiana Arru, the defense lawyers, said whether or not anything Gabriele did was a crime will be up to Vatican magistrates or a Vatican court to determine.

The lawyers spoke to reporters Saturday after Gabriele was allowed to leave a Vatican cell and return to his Vatican apartment to be with his wife and three children. He had been in custody for 60 days.

Vatican magistrates said they had finished their interrogation of the 46-year-old papal valet and were putting him under house arrest. The magistrates are still drafting their formal decision on whether or not they believe they have enough evidence to put Gabriele on trial for his alleged part in the "VatiLeaks" scandal.

Jesuit Fr. Federico Lombardi, Vatican spokesman, said he expected the decision to be published at the end of July or beginning of August.

The report also will be given to the pope, Lombardi said. Pope Benedict already has received the final conclusions of a separate investigation by a commission of three retired cardinals, appointed to investigate a series of leaks of Vatican documents.

Pope Benedict, after reading the reports, could decide "how to go forward," either allowing the process to continue or forgiving the man who had worked in the papal apartment since 2006, the spokesman said.

Gabriele was arrested May 23 after confidential letters and documents addressed to the pope and other Vatican officials were allegedly found in his Vatican apartment. Similar documents had been published in Italian media over the previous five months; many of them dealt with allegations of corruption, abuse of power and a lack of financial transparency at the Vatican.

Fusco said Gabriele cooperated with Vatican investigators "very broadly" throughout the investigation. "One thing Paolo repeated to us and to the judge was that he always was and still is motivated by a desire to do something that would be an act of helping, an act of love for the pope."

"There was no network, no conspiracy inside or outside the Vatican related to Paolo" and his actions, Fusco said.

Arru added, "I absolutely exclude the idea that he received any money or benefit of any kind" from what he did.

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At the same time, Fusco and Arru said Gabriele has expressed a desire to speak to the pope and ask his forgiveness. Fusco said that did not mean that Gabriele did anything criminal, but the pope has said he was saddened by what happened and Gabriele is sorry for that.

"He has been able to reflect much in these days and has come to the conclusion that his methods could have been different. Yes, he regrets the means he used," Fusco said.

After his arrest, Gabriele was held in a 12-foot-by-12-foot room in the Vatican police barracks. He was allowed to see his lawyers and his wife, and Vatican police accompanied him to Mass in the Vatican.

Fusco and Arru said Gabriele's house arrest was granted under a number of normal conditions: He may not leave his Vatican apartment or communicate, including by telephone or Internet, with anyone beside his immediate family, a spiritual adviser, his doctor or lawyers except with the express permission of the Vatican magistrates.

Paolo Papanti-Pelletier, a Vatican judge not directly involved in the Gabriele case, told reporters in June that the papal butler faced between one year and six years in jail if convicted of aggravated theft under Vatican law. If found guilty after a public trial in the Vatican, he would serve his term in an Italian prison.

Under Vatican law, a suspect may be detained up to 50 days for formal questioning before trial, but the term can be extended; on July 12, the investigating magistrate asked for a further 10 days to complete his investigation of Gabriele.

While the magistrate serves as the chief investigator, whose responsibilities include questioning witnesses, he also must determine whether there is enough evidence to bring the accused to trial. If he decides there is not, the case is dismissed. Otherwise, he formally indicts the accused.

The pope can intervene at any stage to suspend the process or to pardon or grant clemency to the accused.

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