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Pope expands Vatican court authority, criminalizes leaks, sex abuse

by Cindy Wooden by Catholic News Service

Vatican City — Pope Francis has approved a major updating of the criminal laws of Vatican City State, including in areas dealing with child abuse and terrorism financing, and has ruled that any Vatican employee can be tried by the Vatican court for violating those laws.

The pope has also specified new penalties for unauthorized releases of Vatican documents more than a year after a series of leaks embroiled the church's central command and led to the trial of Pope Benedict's papal butler.

The Pontifical Commission for Vatican City State adopted the laws, which were made applicable to all Vatican employees around the world -- for example, Vatican ambassadors serving abroad -- in a document Pope Francis signed Thursday.

The amendments to the Vatican's criminal code and code for criminal procedures go into effect Sept. 1 and bring Vatican law into detailed compliance with several international treaties the Vatican has signed in the last 30 years as well as with developments in international law.

The changes include the abolition of life imprisonment. The maximum penalty under the new Vatican code is 35 years.

Giuseppe Dalla Torre, the presiding judge of the Vatican City court, said the change reflects a growing consensus among criminologists that life imprisonment is an "inhumane and useless" punishment, as well as the Vatican's view that prison sentences must be motivated by a desire to rehabilitate, rather than simply punish a criminal.

Such criminals include Paolo Gabriele, the former papal butler, who was tried in May 2012 for leaking confidential letters and documents from Pope Benedict XVI to an Italian journalist. Considered one of the worst security breaches in Vatican history, the documents contained in-depth descriptions of Vatican turf wars and bureaucratic dysfunction.

Although Gabriele was sentenced to 18 months in prison, Pope Benedict pardoned him.

Under the new changes that Pope Francis approved, anyone who leaks confidential information risks at least six months to two years in prison and a 2,000 euro (\$2,500) fine.

The penalty increases to eight years in prison if the material concerns the "fundamental interests" of the Holy See or its diplomatic relations.

Dalla Torre, who presided over Gabriele's trial, said the former butler's case influenced the new penalties. Since his offenses were not crimes under the old law, Gabriele was tried and convicted on charges of aggravated theft instead of security breaches.

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Pope Paul VI formally banned the use of the death penalty in Vatican City State in 1969. Although on the books, neither the death penalty nor life imprisonment had been imposed after Vatican City became an internationally recognized sovereign state in 1929.

Dalla Torre told reporters that the new laws, in compliance with the Vatican's signing and ratifying the 1989 Convention on the Rights of the Child, define and set out penalties for specific crimes against minors, including the sale of children, child prostitution, the military recruitment of children, sexual violence against children, and producing or possessing child pornography.

Previously, he said, those specific crimes would have been dealt with under more generic laws against the mistreatment of minors. The bulk of the Vatican's criminal code is based on an 1889 version of Italy's criminal code and did not, for example, contemplate the crime of child pornography, Dalla Torre said.

The changes to Vatican City civil law are separate from the universally applicable canon law, norms and sanctions, which require bishops around the world to turn over to the Congregation for the Doctrine of the Faith cases of priests accused of child sexual abuse or possession of child pornography. The canonical penalties include the possibility of the priest being expelled from the priesthood.

Those accused also face criminal prosecution in the country where the abuse occurred. Under the changes made by Pope Francis, if the priest is a direct employee of the Holy See -- working in a Vatican office or nunciature -- he also could face a criminal trial at the Vatican.

By specifying the crimes, Dalla Torre said, the new Vatican laws make it easier for the Vatican to cooperate with other governments and even extradite a person who committed the crime elsewhere but was trying to hide in the Vatican.

In a statement responding to the new measures regarding sex abuse, the Survivors Network of those Abused by Priests said the Vatican should instead "actually punish those who conceal and enable abuse, which they have ample power to do but inadequate courage to do."

"Sacking even one of the hundreds of complicit bishops across the world would do far more to protect kids and deter cover ups than this small change to a rule that's likely never been or never will be used," SNAP continued.

In his document expanding the jurisdiction of the Vatican City legal system to all Holy See employees, Pope Francis wrote: "In our times, the common good is increasingly threatened by transnational organized crime, the improper use of the markets and of the economy, as well as by terrorism."

The international community, of which the Vatican is a part, needs to "adopt adequate legal instruments to prevent and counter criminal activities by promoting international judicial cooperation on criminal matters," Pope Francis said.

For the Vatican, he said, the international treaties "are effective means to prevent criminal activities that threaten human dignity, the common good and peace."

Jesuit Fr. Federico Lombardi, the Vatican spokesman, said more changes to Vatican laws and procedures are in the works, specifically those dealing with how money is handled and how financial transactions are monitored.

The changes, he said, will respond to suggestions and criticisms made by Moneyval -- the Council of Europe's Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism.

[NCR national correspondent Joshua J. McElwee contributed to this report.]

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