

[News](#)
[Vatican](#)



The judges of the Vatican City State criminal court -- Venerando Marano, Giuseppe Pignatone and Carlo Bonzano -- faced dozens of lawyers in a makeshift Vatican courtroom July 27, 2021, as the trial of 10 defendants in a financial malfeasance case began. (CNS photo/Vatican Media)

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Vatican City — October 5, 2021

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The Vatican prosecutor conceded procedural errors Oct. 5 in his fraud and corruption investigation into the Holy See's finances and offered to remedy them by essentially starting over, throwing the trial of 10 people into question before it really got off the ground.

The president of the Vatican's tribunal, Judge Giuseppe Pignatone, plans to rule Oct. 6 whether or how the trial involving the Holy See's [350 million-euro investment in a London property](#) can proceed after the defense argued the prosecution's mistakes were so grave as to render the indictment void.

Prosecutor Alessandro Diddi made the surprise offer to take back all the evidence and to re-question the defendants at the start of the second hearing of a trial that opened in July. Diddi said his office has always acted to ensure that the rights of the accused were respected and called his proposal a "common sense" way to address the defense objections.

Lawyers for the 10 defendants have accused Diddi's office of withholding key pieces of evidence from them and not interrogating suspects during the investigative phase about all the accusations that ended up in the indictment. They maintain those and other alleged procedural errors have badly harmed their right to a fair trial and ability to mount a defense.

They called Diddi's offer Oct. 5 a last-ditch effort to save face and said it was nonsensical since there is no provision in the law to retract evidence files that have been handed over. While Pignatone could throw the indictment out entirely, doing so would be a bombshell, and defense lawyers suspected he would likely try to save what can be saved so the trial can proceed.

The trial concerns the Holy See's 2013 investment in a London real estate venture that lost the Vatican tens of millions of euros, much of it donations from the faithful that were spent on fees to Italian brokers.

Prosecutors have accused the brokers of defrauding the Holy See, and several Vatican officials of abuse of office, corruption and other charges.

Defense lawyers argued that procedural errors throughout the investigation were so harmful to their right to a defense that the charges should be thrown out.

Prosecutors have missed deadlines to make available all evidence and haven't respected a July 29 order from Pignatone to turn over videotaped interrogations of the suspect-turned-star witness in the case, Msgr. Alberto Perlasca.

Perlasca, who ran the Secretariat of State's administrative office, was the Vatican official most intimately involved in the London deal. He originally was a key suspect since he signed the contracts with the brokers.

But after his initial interrogation, he fired his lawyer and apparently began cooperating with prosecutors. The information from his subsequent interrogations was so important to the prosecution's case that it spared him indictment and formed the basis of several charges against the 10 defendants.

One interrogation led to a witness-tampering charge against Cardinal Angelo Becciu, the lone cardinal standing trial.

The defense has only seen a summary of Perlasca's account, not the full interrogations, and Becciu's legal team only learned of the witness-tampering accusation when the indictment was handed down on July 3. Vatican procedures require suspects to be allowed to respond to accusations before their trial begins.

Andrea Saccucci, an international law professor who has brought cases before the European Court of Human Rights and is not involved in the Vatican case, said it appeared the defense had some legitimate complaints.

"It seems there are several aspects that pose problems from the point of view of respecting the rights of the defense according to international standards," Saccucci said in a telephone interview.

While the Holy See isn't a party to international conventions guaranteeing a fair trial, "clearly the lack of respect of these rights can invalidate a possible conviction," Saccucci said, while also posing problems in persuading authorities outside Vatican City to enforce any sentence.

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