



Nicole Winfield

[View Author Profile](#)

Associated Press

[View Author Profile](#)

[**Join the Conversation**](#)

New York â?? June 20, 2024

[Share on Bluesky](#)[Share on Facebook](#)[Share on Twitter](#)[Email to a friend](#)[Print](#)

One of the defendants in the [Vaticanâ??s big financial trial](#) has filed a formal complaint with the United Nations, alleging that Pope Francis violated his human

rights by authorizing wide-ranging surveillance during the investigation.

A lawyer for Raffaele Mincione, a London-based financier, submitted a complaint last week to the U.N. Office of the High Commissioner for Human Rights via a special procedure that allows individuals or groups to provide the U.N. with information about alleged rights violations in countries or institutions.

The Vatican on Thursday rejected the claim, saying the investigation followed all relevant laws and international agreements and that no surveillance was ordered for Mincione.

The filing marks the latest and highest-profile complaint about the Vatican trial, highlighting the peculiarity of the Vatican's criminal justice system and its seeming incompatibility with European and democratic norms. The Vatican is [an absolute monarchy](#) where the pope wields supreme legislative, executive and judicial power.

The trial, which opened in 2021 and [ended in December](#), focused on the Holy See's money-losing 350 million euro investment in a London property but also included other tangents. Vatican prosecutors alleged brokers and Vatican officials fleeced the Holy See of tens of millions of euros in fees and commissions, and then extorted the Holy See for 15 million euros (\$16.5 million) to cede control of the property.

The trial ended in December with [convictions for nine of the 10](#) defendants, including Mincione and a once-powerful cardinal, Angelo Becciu. The court's motivations for the sentence still haven't been published, but both Vatican prosecutors and the nine convicted defendants have announced appeals.

Mincione's complaint to the U.N. focused on the role of the pope during the investigation, an area that was [flagged as problematic by defense lawyers](#) during the trial [and external experts in its aftermath](#).

The complaint cited four secret executive decrees Francis signed in 2019 and 2020 that gave Vatican prosecutors wide-ranging powers to investigate, including via unchecked wiretapping and to deviate from existing laws. The decrees only came to light right before trial, were never officially published, provided no rationale or timeframe for the surveillance, or oversight of the wiretapping by an independent judge.

Advertisement

The chief prosecutor argued Francis's decrees provided unspecified guarantees for the suspects, and the judges rejected the defense motions at the time that claimed they violated the fundamental right to a fair trial. In a somewhat convoluted decision, the judges ruled that no violation of the principle of legality had occurred since Francis had made the laws.

In a statement responding to media inquiries about the U.N. filing, the Vatican prosecutors' office said Mincione and others had been convicted of serious crimes in a trial where due process was fully observed and where he abundantly exercised his right to be heard.

The prosecutor said the investigation respected all laws and international agreements and didn't actually involve ordering the use of intercepts of Mincione's phone or electronic communications.

Mincione's complaint also alleged the tribunal is not independent or impartial, a claim the Vatican has rejected previously. Francis can hire and fire judges and prosecutors, and recently decided such things such as their compensation, pension and term limits.

It is not clear what, if anything, the U.N. will do with the complaint. The Geneva-based office fields special rapporteurs, or experts, to monitor specific areas of human rights, including the judiciary and independence of judges and lawyers.

Previous complaints to the U.N. human rights office about the Vatican or Catholic Church, in the areas of child sexual abuse and LGBTQ+ discrimination, resulted in letters from the U.N. special rapporteur to the Vatican's U.N. ambassador in Geneva listing problems and requesting responses and changes.

Mincione has also tried to engage the Council of Europe on the matter, given the Holy See is subject to periodic review as part of the COE's Moneyval process to guard against money laundering. In January, a British representative asked if the COE would look into the Vatican's human rights situation given the trial outcome.

The plenary assembly chairman dodged the question.

In ongoing litigation, Mincione has also sued the Vatican secretariat of state in a British court over the reputational harm he says he suffered as a result of the

Vatican trial.