

VATICAN

Shocking turn of events: Becciu's trial must start all over again

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**Nico
Spuntoni**



A dramatic turn of events in the Becciu case. Yesterday, the Vatican City State Court of Appeal ruled that the initial judgement was 'relatively null and void' and ordered a 'retrial and the filing with the registry of all records and documents from the preliminary

proceedings'. This came as a surprise to everyone, although a re-reading of Leo XIV's words at the inauguration ceremony of the Vatican City Court suggested that changes were indeed afoot within the Vatican's judicial machinery. Prevost said that 'the observance of procedural guarantees, the impartiality of the judge and the effectiveness of the right to a defence [...] constitute the conditions through which the exercise of judicial power acquires particular authority and contributes to institutional stability'.

It was precisely the failure to observe procedural safeguards and the lack of an effective right to defence that led the Court of Appeal, presided over by Monsignor Alejandro Arellano Cedillo, to declare the initial judgement, which sentenced the cardinal to over five years' imprisonment for fraud and embezzlement, null and void. Nine other defendants had been convicted alongside him in the trial concerning the management of the Secretariat of State's funds, while his former secretary, Monsignor Mauro Carlino, had been acquitted. He will now be the only one not to have to return to the Vatican courtrooms, while the others will face new proceedings before the Court of Appeal. The court reprimanded the Office of the Prosecutor, which must file all the records and documents of the preliminary investigation with the registry by the end of April without any omissions or selections.

The court has upheld the defence's plea of nullity, as they complained that the prosecutor had failed to make all the records and documents of the proceedings available. The defence's argument also centres on the *rescriptum ex audientia* of 2 July 2019, whereby Francis granted the prosecutor extensive investigative powers. This *rescriptum*, like three other ad hoc orders issued in the following months, remained secret until it was produced in court on 29 June 2021. The court agreed with the defence that the failure to publish the document 'affected the legitimacy of certain investigative measures adopted on the basis of it' and therefore ordered a retrial.

This is a triumph for the defence and a debacle for the prosecutor's office, particularly for the work of Alessandro Diddi, who was a key figure in the initial proceedings. The court also upheld the two objections that had formed a central part of the arguments put forward by Geraldina Boni, who is a full professor of canon law, ecclesiastical law and history of canon law at the University of Bologna. In her book *The Becciu Trial: A Critical Analysis*, she thoroughly examined the issues of the failure to file numerous documents and the secrecy surrounding the *rescripta*, considering both to be a violation of the right to defence.

When contacted by the *Daily Compass*, Professor Boni declined to comment, but expressed her satisfaction at what she considers to be a 'victory for justice'. Becciu's

lawyers, Fabio Viglione and Maria Concetta Marzo, share this satisfaction, having won on all counts and seen the objections they raised during the initial trial upheld by the Court.

The Court of Appeal will now not only examine the defence's appeal, but also retry the case under conditions that have returned to normal following the 'exceptional' phase marked by the *rescripta*. The Court of Appeal's acknowledgement of the failure to respect the right to a defence is reminiscent of the editorial written by Andrea Tornielli for Vatican media on 30 October 2024, which defended the grounds for the initial judgement. The director of communications at the Holy See's Dicastery for Communication spoke of a fair trial and transparency.

However, today a Vatican court ruled that the trial was unfair and lacked transparency, as the *rescriptum* of 2 July 2019 was not published, and the defendants and their defence lawyers were not given access to all the records and documents. Will Tornielli write a new editorial on yesterday's ruling?