

ENGLAND

Sloane Avenue scandal puts Vatican official on stand

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The London real estate scandal continues to embarrass the Vatican. On Thursday July 4, Monsignor Edgar Peña Parra, the Substitute for the Secretariat of State, has been ordered to appear as a witness before the British High Court of Justice, although a

postponement to next week cannot be ruled out.

The proceedings have developed in parallel with the Vatican proceedings at the initiative of Raffaele Mincione, a financier convicted in first instance last December by the Vatican City court. The businessman, head of Athena Capital Commodities formerly the owner of the famous Sloane Avenue real estate investment, had filed a lawsuit before the English courts as early as June 2020, about a year before the Vatican's Promoter of Justice subpoenaed him. In July, two years ago, the British Court of Appeal had upheld Mincione's appeal challenging the suspension of the proceedings from across the Channel.

Thus, the trial pitting the Italian-born financier's companies against the Secretariat of State may see the light of day 1,800 kilometres away from the Vatican Museums' multi-purpose hall where Mincione was convicted of embezzlement, self-laundering and conspiracy to corrupt private individuals. In the appeals court ruling that agreed with the financier, Justices Jackson, Males, and Birss "dismantled" an earlier ruling suspending the English proceedings, openly arguing that "the Secretariat (of State, ed.) is not neutral" and that therefore "the appellants (the companies traceable to Mincione, ed.) have a valid reason for wanting the proceedings here to continue, namely to vindicate their position (if they can) in the forum chosen by the parties in order to mitigate the legal and threats to reputation arising from the accusations that have been made."

A defeat for the Holy See now materialises with the start of parallel proceedings six months after the first instance ruling in the Vatican. The spokesperson, contacted by the *Daily Compass*, explained that Mincione has filed "an appeal for a declaratory judgment in England" seeing recognised "the jurisdiction to do so, for the English courts to examine the transaction of sale of the building at No. 60 Sloane Avenue and related matters (since these facts occurred in England and are governed by English law). The appeal seeks a ruling under English law for declarations, including that the transaction of the Sloane Avenue building was properly authorised and undertaken, and that the related contracts are valid, binding and enforceable."

The London building affair, however, risks dragging the Holy See to court not only in the U.K. In fact, Mincione has decided to turn to the UN as well, convinced that he has been the victim of injustice by the Vatican. In the crosshairs are the Pope's four Rescripta, which between 2019 and 2020 have heavily affected the ongoing court proceedings in the small state. Full professor of canon law at Lumsa Paolo Cavana recently wrote in a scholarly article published in *State, Churches and Confessional*

Pluralism that "the issuance in the course of the trial of such measures by the sovereign body, in addition to unnecessarily exposing the latter - and the office it holds - to predictable criticism, has potentially caused a serious impairment to the independence and impartiality of the judges themselves." A line evidently shared by Mincione's legal team whose spokesman, when asked on the point by the *Daily Compass*, revealed that "the Rescripta are relevant to Mr. Mincione's complaint to the United Nations. The complaint, drafted by Rodney Dixon KC, states that: "This unsubstantiated authorisation granted to prosecutors by an absolute monarch gave the go-ahead for the commencement of surveillance without the articulation of defined grounds, with no judicial or other independent and impartial oversight in place, nor a mechanism to challenge the implementation of the surveillance before an independent and impartial tribunal.""

A contention that an article published in the latest issue of the scholarly journal *Law & Religions*, edited by Maria d'Arienzo, a professor of ecclesiastical law, canon law and confessional rights at the "Federico II" University of Naples, tried to refute. The author? Alessandro Diddi. This is not a case of homonymy: the Vatican Promoter of Justice. In the article, the scholar Diddi defended the regularity of the trial of which the Promoter Diddi was the protagonist, correctly reporting the objections made by critics, but arguing that "the Holy Father's *rescripta* (...) have, so to speak, 'filled in' some normative gaps and regulated some spaces of uncertainty that the application of the Code of Criminal Procedure had left open." Diddi also wrote that "the mechanism for the selection of magistrates and their immovability, then, guarantees the impartiality and tertiarity of judges in a manner corresponding to what happens in other countries that have signed the European Convention on Human Rights." Another hot topic in light of the London building affair.

For Mincione's spokesman in fact, when questioned by the *Daily Compass* on the point, there is no doubt that the failure to sign the European Convention on Human Rights could call into question the legitimacy of judgments handed down under the Vatican system. The Vatican mess that started with the Sloane avenue affair, therefore, is far from over. Not least because, in addition to the U.K. and the U.N., there is still an appeal against the Vatican's ruling last December. More than six months later, however, the grounds for the ruling have not yet arrived.

A delay that does not facilitate the start of the appeals process: last Sunday, Massimo Franco for *Corriere della Sera* interviewed (Italy's leading daily newspaper) Cardinal Angelo Becciu - who like Mincione was convicted last December - reiterated his

desire to reaffirm his innocence before the appeals court, declaring that the trial "would be good if it arrived before" 2025 "otherwise I fear it would be a huge damage for the Church and for the Jubilee itself."

Meanwhile, even though we are still in 2024, the image of a deputy being called to an English court as a witness in a trial involving the Secretariat of State certainly does not bode well for the Holy See and the Pope. The London property gamble, contrary to what was probably hoped, did not end with the sale by Apsa in the summer of 2022 to Bain Capital through the real estate broker Savills and at a loss, according to the Financial Times, of 100 million pounds despite the fact that the investment was made in a real estate market, such as London's, that has been booming for years.