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SALA STAMPA DELLA SANTA SEDE

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Communiqué of the Vatican City State Tribunal

With the judgement issued today, after 86 hearings, the Tribunal has defined the judgement of first instance of the trial against ten defendants and four companies, which - as is known - had as its object several events (distinct, although with objectively and subjectively linked profiles), the main one of which is known with reference to the building located in London, at 60 Sloane Avenue.

With regard to this, the Court found the existence of the offence of embezzlement (Article 168 of the Criminal Code) with regard to the unlawful use, inasmuch as it was in violation of the provisions on the administration of ecclesiastical property (and in particular of Canon 1284 of the C.I.C.), of the sum of 200,500,000 US Dollars, equal to approximately one third of the funds available to the Secretariat of State at the time. This sum was paid between 2013 and 2014, at the behest of the then Substitute Monsignor Giovanni Angelo Becciu, for the underwriting of shares in Athena Capital Commodities, a hedge fund, referable to Raffaele Mincione, with highly speculative characteristics and which entailed for the investor a high risk on the capital without any possibility of controlling the management.

The Court therefore found Monsignor Becciu and Raffaele Mincione guilty of the crime of embezzlement – Mincione had been in direct contact with the Secretariat of State to obtain the payment of the money even without the conditions being met – as well as Fabrizio Tirabassi, an employee of the Administration Office, and Enrico Crasso, in conspiracy with them.

As regards the subsequent use of the said sum, which was used - among other things - for the purchase of the company owning the Sloane Avenue building and for numerous movable investments, the Court found Raffaele Mincione guilty of the offence of self-laundering (Article 421-bis of the Criminal Code).

On the other hand, it excluded the liability of Monsignor Becciu, Enrico Crasso and Fabrizio Tirabassi with regard to the other crimes of embezzlement charged against them because there was no case to answer, since the Secretariat of State no longer had the available money once it had been paid to underwrite the fund shares.

Enrico Crasso was then found guilty of the offence of self-laundering (Article 421-bis of the Criminal Code) in relation to the use of a large sum of more than 1 million Euros, constituting the profit of the offence of bribery

between private individuals committed in conspiracy with Mincione.

On the other hand, in relation to the repurchase by the Secretariat of State, in 2018-2019, through a complex financial transaction, of the companies that owned the above-mentioned building, the Court found Gianluigi Torzi and Nicola Squillace guilty of the offence of aggravated fraud (Article 413 of the Criminal Code) and the aforementioned Torzi also guilty of the offence of extortion in conspiracy with Fabrizio Tirabassi (Article 409 of the Criminal Code), as well as of the offence of self-laundering of the unlawfully obtained amount.

Torzi, Tirabassi, Crasso and Mincione were instead acquitted of the crime of embezzlement ascribed to them in relation to the alleged overvaluation of the sale price as there was no case to answer.

Furthermore, Tirabassi was found guilty of the crime of self-laundering (Article 421-bis of the Criminal Code) in relation to the holding of the sum of more than 1,500,000 US Dollars paid to him - between 2004 and 2009 - by the UBS; the Court found that the receipt of this sum by the defendant constituted the offence of bribery, for which, however, given the time elapsed, the criminal action is now time-barred.

As for Tommaso Di Ruzza and Renè Brulhart, respectively General Manager and President of the A.I.F. (Financial Intelligence Authority), who intervened in the final phase of the buy-back of the Sloane Avenue Building, they were acquitted of the offences of abuse of office charged against them and were only found guilty of the offences under Articles 178 and 180 of the Criminal Code for failure to report and for failure to report a suspicious transaction to the Promoter of Justice.

Finally, with reference to another two investigative matters under investigation, Monsignor Becciu and Cecilia Marogna were found guilty, jointly and severally, of the crime under Article 416-ter of the Criminal Code in relation to the payment, by the Secretariat of State, of sums totalling over 570,000 Euros in favour of Marogna, through a company referable to her, on the grounds, not corresponding to the truth, that the money was to be used to help free a nun, victim of kidnapping in Africa.

Monsignor Becciu was also found guilty of embezzlement (Article 168 of the Criminal Code) for having arranged, on two occasions, to pay into an account held in the name of the Caritas-Diocese of Ozieri, the total sum of 125,000 Euros actually intended for the SPES cooperative, of which his brother Antonino Becciu was president. Although the final purpose of the sums was in itself lawful, the Court held that the disbursement of funds by the Secretariat of State constituted, in this case, an illegal use of such funds, constituting the crime of embezzlement, in relation to the violation of Article 176 of the Italian Criminal Code, which sanctions private interest in acts of office, also through a third party, in line - moreover - with the provisions of Canon 1298 of the Italian Civil Code, which prohibits the alienation of ecclesiastical public property to relatives up to the fourth degree.

The aforementioned defendants Raffaele Mincione, Gianluigi Torzi, Fabrizio Tirabassi, Giovanni Angelo Becciu, Nicola Squillace, Enrico Crasso, Tommaso Di Ruzza and René Brulhart were instead acquitted, with the formulas specified in the operative part, of all the other offences ascribed to them. Likewise, Monsignor Mauro Carlino was acquitted of all the offences charged against him.

In conclusion, considering the continuation of the offences charged against each of the defendants, they were sentenced, respectively:

BRUHLART René and DI RUZZA Tommaso to the penalty of a fine of one thousand seven hundred and fifty Euros;

CRASSO Enrico to a term of imprisonment of seven years and a fine of ten thousand Euros with perpetual disqualification from holding public office;

MINCIONE Raffaele to a term of imprisonment of five years and six months, and a fine of eight thousand Euros

with perpetual disqualification from holding public office;

BECCIU Giovanni Angelo to a penalty of five years and six months of imprisonment, and a fine of eight thousand Euros with perpetual disqualification from holding public office;

TIRABASSI Fabrizio to a penalty of seven years and six months of imprisonment, and a fine of ten thousand Euros with perpetual disqualification from holding public office;

SQUILLACE Nicola, subject to the granting of general extenuating circumstances, to the penalty - suspended - of one year and ten months of imprisonment;

TORZI Gianluigi to a penalty of six years' imprisonment and a fine of six thousand Euros, with perpetual disqualification from holding public office and special supervision for one year;

MAROGNA Cecilia to a sentence of three years and nine months of imprisonment with temporary disqualification from holding public office for the same period;

LOGSIC HUMANITARNE DEJAVNOSTI D.O.O. to a fine of forty thousand Euros and a ban on contracting with public authorities for two years;

In addition, the Court ordered the confiscation for equivalent amounts of the sums constituting the contested offences for a total of more than 166,000,000 Euros.

Lastly, the defendants were sentenced, jointly and severally, to pay damages in favour of the civil parties, settled in a total amount of over 200,000,000.00 Euros.
