

## Vatican judges order separate trials for papal butler, computer expert

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A Vatican tribunal determined the two suspects indicted for their parts in the VatiLeaks' scandal should be tried separately.

During the opening session of the trial Sept. 29, the judges said the trial against Paolo Gabriele, the papal assistant charged with aggravated theft, would continue Oct. 2. A separate trial for Claudio Sciarpelletti on charges of aiding and abetting Gabriele will be scheduled at a later date, they said.

Giuseppe Dalla Torre, the presiding judge, said four more sessions "next week should be sufficient" for completing Gabriele's trial.

Gabriele, a 46-year-old married father of three, will be the first person to be questioned Oct. 2. No members of Gabriele's family were present for the trial's opening.

Although under Vatican law a defendant is not obliged to appear in person, Gabriele -- dressed in a light gray suit and tie -- was present in the courtroom Sept. 29.

Sciarpelletti, a computer technician in the Vatican Secretariat of State, was represented by his lawyer, who said his client fell ill unexpectedly because he felt too nervous.

The trial's first session, in a small Vatican courtroom just to the southwest of the apse of St. Peter's Basilica, lasted two and a half hours, which included an 80-minute break during which the judges went behind closed doors to consider the motions and objections made by the defense lawyers as the trial opened. They decided:

-- The court would exclude evidence from two interviews Domenico Giani, head of the Vatican police force, conducted with Gabriele while in custody because they were done without the presence of his lawyers.

-- The court would exclude information gathered during a conversation between Giani and Msgr. Georg Ganswein, the pope's secretary, concerning how Gabriele allegedly obtained a check for 100,000 euro (almost \$123,000) and a nugget of what's presumed to be gold, which were reportedly found in Gabriele's possession.

Meanwhile, the judges rejected other motions entered by the defense, including:

-- A request for a ruling that a security camera installed on the landing outside Gabriele's Vatican apartment lacked the proper authorization from Vatican judges.

-- A request to enter into evidence transcripts of interviews conducted by a papally appointed commission of cardinals to investigate how information is handled and released by various Vatican offices. The judges determined the cardinal's work was a matter concerning the Catholic Church and not Vatican City State.

-- An argument that the judges were not competent to hear a case which could involve matters falling under the

so-called "pontifical secret" because, the judges said, the contents of the stolen documents were not the object of the investigation.

-- A motion to overturn the indictment on the basis that it was too "generic."

-- A request for the floor plan of Msgr. Ganswein's office. The judges cited security concerns in denying the request.

The judges also said they would rule on other motions at a later date, including:

-- Whether to accept evidence gathered from the apartment Gabriele used when he was with the pope at Castel Gandolfo. The defense said the material was gathered without informing the defendant or his lawyers.

-- Whether or not to test the presumed gold nugget for fingerprints.

At the beginning of the trial -- which opened with the ringing of a small bell and the announcement, "The trial is open" -- the presiding judge called the names of the 13 people asked to testify either by the court or by the defense teams.

Eight witnesses will be called to testify in Gabriele's trial and five are set to be called for Sciarpetti's case.

The Gabriele witness list includes six Vatican police officers, as well as Msgr. Ganswein and Cristina Cernetti, one of the consecrated laywomen who work in the papal household. Neither of them was present in the courtroom.

The Sciarpetti witness list includes: Gabriele; Giani; Maj. William Kloter, vice commander of the Swiss Guard; and Msgr. Carlo Maria Polvani, head of the information and communications section of the Vatican Secretariat of State.

With about 30 people -- including the judges and lawyers -- present, the small Vatican courtroom was full. There was no jury because a Vatican trial is decided by a three-judge panel.

The Vatican television center and Vatican newspaper photographer provided media with images from the opening minutes of the trial, which was not broadcast.

Although Vatican trials do not begin with defendants entering a plea of "guilty" or "not guilty," before the judges ruled to separate the two trials Sciarpetti's defense lawyer said his client has declared himself innocent. The lawyer, Gianluca Benedetti, pointed out that, in fact, Sciarpetti told investigators the envelope found in his desk came from Gabriele, which pointed the investigation in that direction. In addition, he said, the information in the envelope was not confidential and had already been made public.

In the indictment, Vatican investigators said Sciarpetti changed his story during interrogation, claiming at one point that a Monsignor gave him the envelope to give to Gabriele. Sciarpetti, 48, faces a maximum of one year in prison.

When Benedetti told the court his client and Gabriele weren't close friends, but just acquaintances, Gabriele nodded his head.

Gabriele was arrested in May after Vatican police found papal correspondence and other items in his Vatican apartment; he faces up to four years in prison. Most of the documents dealt with allegations of corruption, abuse of power and a lack of financial transparency at the Vatican.

Giani told the court the papers collected from Gabriele's apartment filled 82 boxes. Jesuit Father Federico Lombardi, Vatican spokesman, told reporters the boxes were different sizes and that most of the material in them was not pertinent to the case.

Gabriele, who did not make any declaration regarding his guilt or innocence during the opening session, had admitted to Vatican investigators that he took the material and leaked it to a journalist; he claimed he did so for the good of the church and of the pope. His previous lawyer told reporters he had sent a personal letter to Pope Benedict in July, seeking forgiveness.

Under Vatican City law, a confession is not absolute proof of guilty. The trial is designed to verify the information gathered during the investigation, including the interrogation of Gabriele.

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