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## **Italian police probe Vatican bank officials**

AP (21.09.2010) / HRWF (22.09.2010) - <http://www.hrwf.net> - Just when the Catholic Church didn't need another scandal, Italian authorities have seized euro23 million (\$30.18 million) from a Vatican bank account and begun investigating top officials of the Vatican bank in connection with a money laundering probe.

The Vatican said Tuesday it was "perplexed and surprised" by the investigation.

Italian financial police seized the money as a precaution Tuesday and prosecutors placed the Vatican bank's director general and its chairman - a man who speaks frequently about morality in financing - under investigation for alleged mistakes linked to violations of Italy's anti-laundering laws, news reports said.

This is not the first time the bank - formally known as the Institute for Religious Works - has faced trouble. In the 1980s, it was involved in a major scandal that resulted in a banker being found hanging from Blackfriars Bridge in London.

In a statement, the Vatican said it had been working for some time to make its finances more transparent to comply with anti-terrorism and anti-money laundering regulations.

"The Holy see is perplexed and surprised by the initiatives of the Rome prosecutors, considering the data necessary is already available at the Bank of Italy," it said in a statement.

It expressed full trust in the chairman of the bank, Ettore Gotti Tedeschi, and his director-general.

News reports circulated more than a year ago that Italian investigators were scrutinizing millions of euros worth of Vatican bank transactions to see if they violated money laundering regulations.

In Tuesday's case, police seized the money from a Vatican bank account being held at the Rome branch of Credito Artigiano Spa, according to news agencies ANSA and Apcom. The bulk of the money, euro20 million, was destined for JP Morgan in Frankfurt, with the remainder going to Banca del Fucino.

According to the reports, the Vatican bank had neglected to communicate to financial authorities where the money had come from. The reports stressed that Gotti Tedeschi

wasn't being investigated for laundering money himself but for a series of omissions in financial transactions.

Prosecutors declined requests seeking confirmation of the reports.

Gotti Tedeschi was named chairman of the bank a year ago after serving as the head of Italian operations for Spain's Banco Santander. A member of the conservative religious movement Opus Dei, Gotti Tedeschi frequently speaks out on the need for more morality in financing and is a very public cheerleader of Pope Benedict XVI's finance-minded encyclical "Charity in Truth."

In the book "Money and Heaven," Gotti Tedeschi explored capitalism and Catholic values.

The Vatican bank was famously implicated in a scandal over the collapse of the Banco Ambrosiano in the 1980s. Roberto Calvi, the head of the Banco Ambrosiano, was found hanging from Blackfriars Bridge in London in 1982. The circumstances remain mysterious. Italian prosecutors maintain he was murdered, but there have been no convictions.

Last year, a U.S. appeals court dismissed a lawsuit against the Vatican bank filed by Holocaust survivors from Croatia, Ukraine and Yugoslavia who alleged it had accepted millions of dollars of their valuables stolen by Nazi sympathizers.

The court said the bank was immune from such a lawsuit under the 1976 Foreign Sovereign Immunities Act, which generally protects foreign countries from being sued in U.S. courts.

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## **Italy seeks to end classroom crucifix ban**

BBC (30.06.2010) / HRWF (01.07.2010) - Website: <http://www.hrwf.net> - The Italian government is appealing to the European court of human rights to overturn a ban on classroom crucifixes.

This case against crucifixes was brought by a woman who argued that her children had a right to a secular education under Italy's constitution.

Last year the court agreed with the mother, saying parents should be able to bring up children as they saw fit.

Her victory caused uproar in Italy, where 90% of the population describe themselves as Christian.

Italy will start its appeal against the court's ruling - which was widely interpreted as interference in the country's culture, history and religion - on Wednesday.

If the government loses, it would mean that all religious artefacts in classrooms across the European Union could be outlawed.

The Vatican has already said that the European court has no right intervening in such a profoundly Italian matter, says the BBC's Duncan Kennedy in Rome.

It accused the court of wanting to ignore the role of Christianity in forming Europe's identity.

A government minister said the ruling was "shameful", while Education Minister Mariastella Gelmini said the crucifix was a "symbol of our tradition", and not a mark of Catholicism.

The law requiring crucifixes to be hung in schools dates back to the 1920s and was never repealed.

But the role of Catholicism as the state religion ended in 1984, when the official link between the Vatican and the Italian government ended.

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## **10 European states join Italy to defend crucifix**

### ***Catholic and Orthodox Join in Alliance***

Zenit.org (01.06.2010) / HRWF (02.06.2010) - Website: <http://www.hrwf.net> - The "crucifix trial" in the European Court of Human Rights has given rise to an unprecedented intervention of 10 member States as third parties.

The European Centre for Law and Justice, which was also authorized to become a third party in the court hearing regarding the legitimacy of displaying crucifixes in Italian schools, reported today that ten other States will have this amicus curiae status in the "Lautsi vs. Italy" case.

This case was referred to the Grand Chamber when the Italian government appealed a decision issued by the Second Section of the court last November, which spoke against the presence of the crucifix in classrooms.

These States, all of which are supporting Italy in the desire to overturn last November's decision, include: Armenia, Bulgaria, Cyprus, Greece, Lithuania, Malta, Monaco, San-Marino, Romania, and The Russian Federation.

The third party status allows the States to submit to the court their written and oral observations as official parties to the case.

The court's Grand Chamber will hold a public hearing on June 30, and the final judgment on the case is expected by the end of the year.

The director of the European Centre for Law and Justice, Gregor Puppinck, stated in a communiqué today that this is "an important precedent in the practice of the court, because usually member States abstain from intervening, or intervene only when the case affects a national of their State."

"The Lautsi case is unique and unprecedented," he continued. "Ten States are in fact explaining to the court what is the limit of its jurisdiction; what is the limit of its ability to create new 'rights' against the will of the member States."

"This can be seen as a kind of counter-balancing of power," he explained.

The communiqué also noted the "tremendous importance" of the fact that this is "an unprecedented alliance between Catholics and Orthodox countries in the face of the liberal and secularist ideology."

"Those countries are uniting their forces to protect their religious heritage and freedom to reaffirm that the Christian symbols have a natural right to be displayed in public within Christian countries," it added.

The center pointed out that the court's role is to apply the European Convention on Human Rights, which says nothing about "duties to secularize education in Europe" nor about "the nature of the relationship between the State and the church."

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## **Case Lautsi v. Italy: The European Centre for Law and Justice admitted as a Third Party**

ECLJ (01.06.2010) / HRWF (02.06.2010) - Website: <http://www.hrwf.net> - The European Centre for Law and Justice (ECLJ), which has been admitted as a Third Party (Amicus Curiae) in what's become known as the Italian "crucifix case" before the European Court of Human Rights (ECHR), said today that legal support for display of the crucifix in Italian schools continues to increase.

For the first time in the record of the ECHR, ten member States are simultaneously intervening as 'third party' in one single case. The case at stake is the Lautsi case - also known as the "crucifix case" - which will go before the Grand Chamber of the ECHR on June 30th.

The Court has communicated to the ECLJ the list of the following Member States:

Armenia;  
Bulgaria;  
Cyprus;  
Greece;  
Lithuania;  
Malta;  
Monaco;  
San-Marino;  
Romania;  
The Russian Federation.

The ten States, out of the 47 of the Council of Europe, have formally asked the Court to be admitted as a "third party" into the procedure before the Grand Chamber of the Court. The "third party" status, also known as "Amicus Curiae," permits to the States to become an officially party to a case and to submit to the Court their written and oral observations. They are all intervening in support of the Italian State seeking to overturn last November's decision. No State, nor any Non-Governmental Organization (NGO), has intervened in support of the Court ruling banning the crucifix.

In addition to the ten member states, several other States took positions against the November 3rd, 2009 decision, even publicly such as Austria and Poland which both made political statements on November 19th and December 3rd 2009 respectively. Twelve NGOs, including the ECLJ, have also been admitted as third party (list below).

The Lautsi case has been referred to the Grand Chamber after the Italian Government appealed (on January 28th, 2010 – see the appeal at [http://www.eclj.org/pdf/LAUTSI\\_ricorso\\_italia.pdf](http://www.eclj.org/pdf/LAUTSI_ricorso_italia.pdf)) a first decision (see the decision at [http://www.eclj.org/pdf/CEDH-AFFAIRE\\_LAUTSI\\_c.\\_ITALIE.pdf](http://www.eclj.org/pdf/CEDH-AFFAIRE_LAUTSI_c._ITALIE.pdf)) issued by the Second Section of the Court last November 3, 2009. In this first decision, the Court ruled that the presence of the crucifix in classrooms is "contrary to parents' right to educate their children in line with their convictions and to childrens' right to freedom of religion" because the Italian pupils would feel "educated in a school environment bearing the stamp of a given religion."

"This is really an important precedent in the practice of the Court because usually, member States abstain from intervening, or intervene only when the case affects a national of their State as permitted by Article 36(1). The Lautsi case is unique and unprecedented. Ten States are in fact explaining to the Court what is the limit of its jurisdiction; what is the limit of its ability to create new "rights" against the will of the member States. This can be viewed as a kind of counter balancing of power," according to the Dr. Gregor Puppink, Director of the European Centre for Law and Justice.

This particular alliance of member States is also of tremendous importance since it is an unprecedented alliance between Catholics and orthodox countries in the face of the liberal and secularist ideology. Those countries are uniting their forces to protect their religious heritage and freedom, and to reaffirm that the Christian symbols have a natural right to be displayed in public within Christian countries.

"This is culturally and religiously very important," said Dr. Puppink. In fact, the orthodox countries do not want to be forced to adopt everything from Western modern culture. They also refuse to return, in the name of Human Rights, to the extreme secularism of the former communist era.

It is true that those States are giving a political answer to the Court ruling, but this political answer is not illegitimate since firstly, the States are the ones that drafted the Convention, and secondly, the November ruling has been perceived as a political decision, exceeding the scope of the competency of the Court by imposing secularization of public schools. The role of the ECHR is to apply the European Convention on Human Rights and to give an interpretation of it. It does not have a general jurisdiction over the national constitutions on any issue related to Human Rights. Its competency is subsidiary and limited to make sure that the 47 Member States properly respect the rights guaranteed in the Convention.

Dr. Gregor Puppink, who also participates in the work of the Council of Europe's "Committee of Experts on the reform of the Court" noted that this political move from a consistent number of States has to be understood in the context of the "Interlaken Declaration" from February 2010. In this declaration, adopted in conjunction with the "High Level Conference on the Future of the European Court of Human Rights," the 47 member States insisted on the subsidiary role of the Court in the application of the Convention. This declaration was already perceived as an answer to the November decision and as a call to the Court to self-restraint. In ruling for the secularization of schools the Court last November went too far into the creation of new obligations on the member States disregarding national sovereignties.

By intervening, the States are explaining that the Court has superseded itself in the creation of rights. Those States explained that it can not be found in the Convention that there are any duties to secularize education in Europe. In fact, the Convention says nothing on the nature of the relationship between the State and the church.

"Laïcité" or secularization is not part of the Convention."

A large proportion of the member States were confessional when they drafted and signed the Convention and still are. According to the "traditional" case law of the Court, each State is free to organize its relationships with the religions of its county and even to grant privileges to the religion of the majority of its population. No obligation to secularize public schools, even implicit, can found in the Convention.

Until now, rules regarding religious freedom have mainly been elaborated from the 'western liberal thought' and this is the model that lead to the November decision. It is now being challenged. The ECLJ contends that it's imperative to develop rules that can acknowledge the cultural and religious diversity of Europe. Those rules may not only

grant respect to the rights of the non-believers and of the religious minorities, as it is today, but shall also be able to recognize the rights of the majority religion and to respect the cultural sovereignty of the member States.

Other Interveners are:

European Centre for Law and Justice

Together, 33 Members of the European Parliament

Greek Helsinki Monitor

Associazione azionale del libero Pensiero

Eurojuris

International Commission of Jurists, Interights and Human Rights Watch

Together, Zentralkomitee des deutschen Katholiken, Semaines sociales de France et

Associazioni critiane lavoratori italiani

In its amicus brief submitted today the ECLJ, made the argument that the religious freedom of the applicant's children have not been violated by the simple presence of the crucifix in the classroom. In addition the ECLJ's amicus brief demonstrates that the crucifix cannot be interpreted as indoctrination. It also demonstrates that the court could not create ex nilo a duty of secularization of the educational system.

The European Centre for Law and Justice (ECLJ) is an international law firm focusing on the protection of human rights and religious freedom in Europe and worldwide. The ECLJ is affiliated with the American Center for Law and Justice (ACLJ) which focuses on protecting religious freedom in the United States. Attorneys for the ECLJ have served as counsel in numerous cases before the European Court of Human Rights. Additionally, the ECLJ has special Consultative Status with ECOSOC of the United Nations, and is accredited to the European Parliament.

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## **Lautsi v. Italy: The European Court a rejected the European Humanist Federation request for third party intervention**

Humanist Federation (01.06.2010) / HRWF (02.06.2010) - Website: <http://www.hrwf.net>  
- The European Court of Human Rights has rejected the EHF's request to be allowed to intervene in the hearing on Lautsi v Italy.

The President of the Grand Chamber of the Court has decided that othe intervention of the European Humanist Federation 'is not necessary in the interests of the administration of justice'.

The EHF's request and proposed intervention are on its website at <http://www.humanistfederation.eu/download/277-EHF%20cov%20ltr%20to%20ECtHR%20re%20Lautsi.pdf>

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