Crime and punishment: Vatican City tackles vast array of crimes

VATICAN CITY – From picked pockets to a 1998 double murder and suicide, the Vatican legal system has dealt with a vast array of crimes and misdemeanors over the decades.

Vatican City State's judicial system is unique in that its legal foundations are rooted in the Code of Canon Law, papal decrees, the Lateran Pacts, and Italian and Roman municipal laws.

Of the half-dozen different tribunal systems listed in the Vatican telephone book, just one deals specifically with the more mundane maintenance of law and order in the 108-acre country. The other systems tackle ecclesial matters.

When the world's smallest country was created out of the Lateran Pacts in 1929, it adopted the Italian legal system, explained Gianluigi Marrone, a Vatican City judge.

This was done for very practical reasons, Mr. Marrone told the Vatican newspaper, L'Osservatore Romano, in a recent interview. Since the majority of people who are brought before the court are Italian residents, not Vatican citizens, "it is necessary to have a sure point of reference and direct link to Italian authorities," he said.

Like the Italian system, he said, the Vatican judicial system is an inverted pyramid: Mr. Marrone is the sole judge at the bottom, then there's the three-judge tribunal, followed by the appeals court and the supreme court of appeals at the top.

But the Italian system is fraught with imperfections – like the glacial speed with which it goes through and resolves cases.

The Vatican has fixed some of those problems and hopes to continue to reform the system, Mr. Marrone said. Decriminalizing a series of minor offences and allowing the sole judge to resolve them without having to go to trial has sped things up, he said.

This is the case when someone is caught shoplifting in the Vatican supermarket, pharmacy and duty-free shops – the most common type of theft in the Vatican's nonpublic areas.

Vatican residents, current and retired employees and their families, and some members of religious orders are given a special card that allows them access to discount shops. When someone is caught stealing, the sole judge can suspend the robber's card for six to 12 months or permanently.

The accused can appeal within 10 days and request a trial, he said.

On the surface, such a sanction seems light, he said, but to the person getting the coveted card taken away it is "taken and lived as heavy" punishment.

The Vatican also has modified the system by only using Italian laws that do not conflict with Catholic teaching, he said, especially those concerning divorce and abortion.

The Lateran Pacts established that anyone who commits a crime on Vatican property, even if it is a Vatican employee, can be handed over to Italian authorities and be tried in Italian court.

The treaty also stipulates that crimes committed in St. Peter's Square, an open area that borders on Italian territory, fall to the Italian police. That is why Italians took over the investigation and trial of Pope John Paul II's would-be assassin, Mehmet Ali Agca, when he shot the pope in 1981.

One loophole that needs to be tightened is the lack of legislation regarding the possession and sale of illegal drugs; this became apparent this year after a Vatican employee was caught with 87 grams of cocaine.

The Vatican-Italian treaty allowed the Vatican to impose a maximum of six months of imprisonment in ambiguous circumstances but such a sanction was "completely inadequate to the seriousness of the crime," another Vatican judge had said at the time.

The various cases that come across Mr. Marrone's desk include contested parking

tickets, civil suits involving compensation for injuries suffered at the Vatican, employee theft, forgery, and the especially rare instances of “small-time fraud” or embezzlement.

A man was recently tried for “usurpation of an ecclesial title” when he was caught by Vatican security guards posing as a priest attempting to hear confessions in St. Peter’s Basilica, Mr. Marrone said.

The last serious crime the court and its judges had to deal with was in 1998 when a young Swiss Guard shot and killed the Guard’s commander and the commander’s wife before taking his own life. Mr. Marrone had guided that 10-month investigation.

Per capita, Vatican City has the highest crime rate in the world.

The vast majority of penal cases handled by the court usually involve theft, especially pickpockets, but the perpetrators never are caught in a very high percentage of those cases.

According to the most recent published statistics, 472 criminal cases were reported in 2006 – almost one crime per resident for a country with only 492 inhabitants.

But those figures are deceiving since the high crime rate stems from the sheer volume of people – some 18 million each year– that stream through the Vatican to visit St. Peter’s Basilica and the Vatican Museums.

However, not long ago there was a short-lived golden age of a crime-free Vatican. For two weeks during the papal transition in April 2005 no crimes were reported and no charges were brought to the Vatican’s court.

Criminal activity normally surges during times when huge crowds of pilgrims and tourists converge on the Vatican, and some 6 million people flooded the Vatican between April 2, the day Pope John Paul died, and April 19, the day Pope Benedict XVI was elected.

But as the world stood still awaiting the next pope, robbers and criminals stayed away – or at least were on their best behavior.