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Abuse Victims Ask Court to Prosecute the Vatican

By **LAURIE GOODSTEIN**

Human rights lawyers and victims of clergy sexual abuse filed a complaint on Tuesday urging the International Criminal Court in The Hague to investigate and prosecute **Pope Benedict XVI** and three top **Vatican** officials for crimes against humanity for what they described as abetting and covering up the rape and sexual assault of children by priests.

The formal filing of nearly 80 pages by two American advocacy groups, the Center for Constitutional Rights and the **Survivors Network of those Abused by Priests**, was the most substantive effort yet to hold the pope and the Vatican accountable in an international court for sexual abuse by priests.

“The high-level officials of the Catholic church who failed to prevent and punish these criminal actions,” the complaint says, “have, to date, enjoyed absolute impunity.”

A spokeswoman at the court said the prosecutor’s office would examine the papers, “as we do with all such communications.” The first step will be “to analyze whether the alleged crimes fall under the court’s jurisdiction,” Florence Olara, the prosecutor’s spokeswoman said.

Complaints about the Vatican and child abuse by Roman Catholic priests have been received at the court before, court records showed. But Ms. Olara said details were not normally disclosed by the court unless a case went forward.

Lawyers familiar with the international court said it was unlikely the complaint against the Vatican would fit the court’s mandate to prosecute war crimes, crimes against humanity and genocide. The Rev. Federico Lombardi, the spokesman for the Vatican, said he had no comment.

Vatican officials have often said that the decisions about priests accused of abuse are made by bishops — not by the Vatican hierarchy — and that the church is far more decentralized than is widely believed.

But the lawyers and abuse victims from the United States and Europe who held a news conference at the court on Tuesday said their action was necessary because all the investigations and prosecutions of sexual abuse by Catholic priests in various countries had not been sufficient to

prevent continuing crimes and cover-ups.

Two of the victims whose cases are highlighted in the filing say the priests who sexually abused them simply moved to different countries and are still in ministry working with children, with the knowledge of church superiors. “National jurisdictions can’t really get their arms around this,” said Pamela Spees, a lawyer with the Center for Constitutional Rights, who helped prepare the filing. “Prosecuting individual instances of child molestation or sexual assault has not gotten at the larger systemic problem here. Accountability is the goal, and the I.C.C. makes the most sense, given that it’s a global problem.”

In addition to Pope Benedict XVI, the filing asks the court to prosecute Cardinal Tarcisio Bertone, the Vatican’s secretary of state; Cardinal Angelo Sodano, the previous secretary of state and the current dean of the College of Cardinals; and Cardinal William J. Levada, who is head of the Congregation for the Doctrine of the Faith, the Vatican office designated to receive cases of clergy sexual abuse that are forwarded by bishops.

A central question is whether the accusations will fit the court’s mandate. The International Criminal Court has jurisdiction over war crimes, crimes against humanity and genocide committed after July 1, 2002, when the court opened. It is independent of the United Nations and has jurisdiction in the 117 countries that so far have ratified the Rome Statute that created the court. Italy, Germany and Belgium are signatories, while the Vatican and the United States are not.

The filing cites five cases in which priests have been accused of abuse in the Democratic Republic of Congo and the United States; the priests in these cases are from Belgium, India and the United States.

Ms. Spees said she hoped to persuade the court that the cases were within its jurisdiction, because they involve abuses that she said were “systematic and widespread.”

Experts in international law said the sexual abuse of minors by Roman Catholic priests was sufficiently heinous and widespread to be taken to the court.

Mark Ellis, executive director of the [International Bar Association](#), which is based in London, said he thought that the court would open a preliminary investigation to determine whether it has jurisdiction — and that it would probably conclude that it did not.

“Crimes against humanity means acts that are committed as part of a widespread or systematic attack directed against a civilian population,” Mr. Ellis said. “What you’re looking at is really a policy, in which the government or the authorities are planning the attack.”

“When you look at the concept of why and how the I.C.C. was created, I just don’t think this fits,” he said. “But the filing does something that’s important. It raises awareness.”

Marlise Simons contributed reporting from Paris, and Rachel Donadio from Rome.