

*Seeking Justice in the International Criminal Court:
Holding Vatican Officials Responsible for
Rape and Sexual Violence as Crimes Against Humanity*

WIDESPREAD AND SYSTEMATIC SEXUAL VIOLENCE

In recent years, ongoing revelations of pervasive and serious sexual violence against children and vulnerable adults by priests and others associated with the Catholic Church in different parts of the world have demonstrated that the crisis is not one of isolated random sexual assaults by errant priests but rather is widespread and systematic. In the wake of scandals in Canada, Ireland, Germany, the United States, and elsewhere, experts and investigators who have studied the issue of sexual violence by members of the clergy have identified policies and practices of the Vatican and high-level officials of the Catholic Church that allowed the sexual assaults to continue. The same practices and policies have been found virtually everywhere the sexual violence has been documented as in Australia, Austria, Belgium, France, Germany, Italy, The Netherlands, and Mexico among others. Some observers have estimated that the number of victims of sexual violence by priests and clergy occurring over the past three decades is approaching 100,000, and will likely be far greater as more survivors come forward and civil authorities begin investigations in Latin America, Africa, and Asia.

It is the fact that the Vatican has had a longstanding policy and practice of dealing with sexual violence by priests in ways that ensured such violence would continue that is as shocking and deeply alarming as the magnitude and gravity of the offenses. High Level Vatican officials, including Pope Benedict XVI, either knew or in some cases consciously disregarded information that showed subordinates were committing or about to commit such crimes and further allowed and often facilitated access by predator priests to children and vulnerable adults, with no warning to potential victims. Time and again church officials chose secrecy over the safety and physical and mental well-being of children and vulnerable adults. But they haven't just kept it quiet; they have kept it going. There are documented cases showing that church officials

have obstructed justice and/or destroyed evidence in national legal systems and have consistently engaged in the practice of 'priest shifting,' i.e. transferring known offenders to locations where they continued to have access to children or vulnerable adults and who officials knew continued to commit rape and other acts of sexual violence.

BRINGING THE CASE TO THE ICC

The New York based Center for Constitutional Rights (CCR) is representing the Survivors Network of those Abused by Priests (SNAP) in seeking individual accountability for these crimes through mechanisms of international justice. When committed on a widespread or systematic basis against children and vulnerable adult, in a manner that demonstrates a certain pattern and practice, rape and other forms of sexual violence are crimes against humanity. International law recognizes that rape and sexual violence also can constitute a form torture.

The Survivors Network is a non-profit organization that was founded over 20 years ago by a small group of survivors of rape and sexual violence committed by priests. Today, the Network has over 10,000 members in the United States alone as well as chapters in Australia, Austria, Belgium, Canada, England, France, Germany, Mexico, and The Netherlands. The Network is survivor-led and survivor-centered and is not affiliated with any political cause, other group or association; it is neither inherently anti-religion nor opposed to the Catholic Church or any other religious group. Indeed, many of SNAP's members are observant Catholics whose sole desire, like that of SNAP's, is to protect children and vulnerable adults, end the sexual violence, and spare others from the grave harms they have suffered and the grave risks that many Catholics still face today given the ongoing sexual violence and complicity of church officials.

On September 13, 2011, CCR, on behalf of SNAP and five individual complainants, filed a detailed complaint with the Prosecutor of the International Criminal Court (ICC) requesting the investigation and prosecution of high-level Vatican officials as criminally responsible under the concept of superior responsibility as well as for their individual roles in aiding and abetting these crimes, as outlined by the Rome Statute of the ICC. The goal of this effort is to ensure individual accountability, which will greatly contribute to ending on-going crimes and deterring future criminal acts, exposing and preventing clergy sex crimes and cover-ups in the Catholic Church, and holding those who commit, ignore, conceal, and aid and abet them responsible.

Complainants/Survivors: The stories of these two individual complainants/survivors, which are included in this communication to the ICC, are representative of the global scope of this crisis.

- One complainant is a 21-year-old woman from Minnesota, United States. Beginning in 2004, from age 14 to 15 she was repeatedly raped by a visiting priest from India. She was one of three young girls who reported sexual acts by the priest. High-ranking officials in the diocese had knowledge of the allegations and attempted to involve the Vatican's Congregation for the Doctrine of the Faith (CDF) after a school counselor reported the survivor's case to authorities. Following the ensuing investigation by local law enforcement, the District Attorney issued an arrest warrant and a red notice through INTERPOL for the priest's extradition, since he had returned to India. The Vatican has failed to cooperate, even after the CDF was appealed to in person. To date, the priest is believed to be in India still overseeing approximately 40 Catholic schools in the Ootacamund Diocese.
- Another complainant is a 44-year-old man originally from the Democratic Republic of the Congo who now lives in Missouri. A Belgian priest repeatedly raped him from age 12 to 16 when he was attending seminary in DRC and where he knew of other boys who had been sexually assaulted by the priest. The survivor alerted

diocese officials in Belgium about his case and the others he knew about. Later, the priest was sent back to Belgium where he was alleged to have abused again, though the Diocese never reported this to an Investigative Commission that was assisting the survivor with his case. The priest had also previously abused in Belgium before being sent to DRC. Now, the priest is in Rwanda where he is working with orphans, through a non-profit he started.

The complainants in this case have taken the brave step of bringing these crimes to the attention of the ICC in an effort to help prevent other children and vulnerable adults from being subject to the sexual violence they experienced. Their cases, however, do not exist in isolation. As the communication sets forth, these cases are part of widespread and systematic global pattern and practice.

Persons Named: The persons identified in the complaint as bearing the greatest responsibility for a system of sexual violence in the church are:

- 1) ***Pope Benedict XVI***, both in his capacity as Pontiff (2005 - present), and formerly as Cardinal Joseph Ratzinger, Prefect (head) of the Congregation for the Doctrine of the Faith (CDF) (1981 - 2005), the entity tasked with overseeing the handling of allegations of sexual assault by priests.
- 2) ***Cardinal Angelo Sodano***, Dean of the College of Cardinals (2006 - present), having replaced Ratzinger upon his appointment as Pope; formerly served as the Vatican's Secretary of State (1990 - 2006).
- 3) ***Cardinal Tarcisio Bertone***, as Sodano's successor as Vatican Secretary of State (2006 - present), and who also serves as the Camerlengo (2007 - present). In his previous position, he served as Secretary of the CDF under Joseph Ratzinger (1995 -2002).
- 4) ***Cardinal William Levada***, as Prefect for the CDF (2005 - present), and in his prior positions as Archbishop of Portland, OR (1986 - 1999), Archbishop of San Francisco (1995 -2005), and in other official positions at the CDF (serving part of his time under Ratzinger).

THE VENUE: THE INTERNATIONAL CRIMINAL COURT

The ICC is the first permanent international institution with jurisdiction to prosecute individuals responsible for the most serious crimes of international concern. The Court officially came into existence on July 1, 2002, when the Rome Statute, the treaty creating the Court, entered into force. The ICC is based in The Hague, The Netherlands and is an independent body that is not part of the United Nations. The Court consists of 18 elected judges and an elected prosecutor, who leads investigations and tries cases. The current (and first) Prosecutor is Luis Moreno Ocampo (Argentina); his term expires in June 2012. The judges and prosecutor are elected by the States that have ratified the treaty; these States comprise the Assembly of States Parties, which is the ICC's management oversight and legislative body.

The ICC was created, in large part, to help provide legal remedies where the wrongs committed are crimes under international law, including crimes against humanity. The ICC is the appropriate forum to ensure accountability in this context given the magnitude, scope, and global reach of the pervasive system of sexual violence within the Catholic Church, as well as

the nature, depth and gravity of the physical and mental harm caused by these crimes, especially when committed by religious authority figures.

For victims, the ICC offers a unique and innovative victim participation process that was designed to secure victims' access to justice. Moreover, the Court contains a Victims and Witnesses Unit that can provide counseling and other assistance in addition to protective measures and security arrangements. The Unit must include staff with expertise in trauma related to crimes of sexual violence.

ENSURING ACCOUNTABILITY AND ACCESS TO JUSTICE

SNAP will continue to urge victims, witnesses, and whistle-blowers with knowledge of clergy sex crimes and cover-ups to report to local law enforcement and contact SNAP, so that their information might help hold church employees who commit, ignore, and conceal child sex crimes accountable for the lives they devastate.

The ICC prosecutor can and should commence a preliminary investigation into these offenses and seek authorization to conduct a full-scale investigation.

What you can do:

Ensure accountability for sexual violence and the system of cover ups within the Catholic Church. Specifically, you can:

1. Join SNAP as a survivor, supporter, or whistle-blower: <http://www.snapnetwork.org/>
2. One of the most effective ways to take action is to raise awareness—tell your friends, forward to your list-servs, post it on Facebook. We need to hold the Catholic Church hierarchy accountable!
3. [Tweet the ICC @IntlCrimCourt](#) to ask the Prosecutor to commence a preliminary investigation into these offenses and seek authorization to conduct a full-scale investigation

For more information on CCR and SNAP's action against the Catholic Church hierarchy, please visit:
<http://www.ccrjustice.org/iccvaticanprosecution>