



SECRETARIAT OF STATE

No. 17.779

NOTE VERBALE

The Secretariat of State presents its compliments to the Australian Embassy and has the honour to respond to the requests for assistance made under cover of Note Verbale No. 038/2014. The Embassy's note encloses the 24 April 2014 correspondence from the Royal Commission into Institutional Responses to Child Sexual Abuse, which contains certain requests for information. The Secretariat, treating on this occasion the relevant portions of the Commission's letter as part of the Embassy's Verbal Note, is pleased to communicate the following:

The Embassy's Note first indicates that the Royal Commission is "seeking some of the documentation relating to a specific case...." From the contents of the Commission's letter, this passage appears to refer to the request for "copies of any documents regarding Father REDACTED a priest of the Congregation of the Mission (Vincentian) ordained on REDACTED" Fr REDACTED is presently the subject of a canonical process, which is reported by the competent dicastery to have been returned to ecclesiastical authorities in Australia for further review. Because there is no final decree, and to avoid compromising the integrity of the canonical proceeding, it is not possible to provide all the requested documentation relating to the case at this time. However, this Secretariat is able to provide a portion of the documentation, which is included under cover of this Verbal Note.

Given the particular circumstances relevant to the subject matter of the Embassy's Note, as well as the complexity, length and provenance of the materials provided under cover of this Note, the Holy See transmits the enclosed documents without redaction. In providing them in this condition, the Holy See accepts the firm assurance that the privacy concerns of the victims, witnesses and third parties will receive full protection. The Holy See assures the Embassy that upon conclusion of the relevant canonical proceeding, the Holy See will give due consideration to any further request for information regarding this matter and transmit the appropriate and responsive materials.

Regarding the Royal Commission's request for documents with respect to "each case" involving an accused Australian cleric, it is neither possible nor appropriate to provide the information requested for the following reasons:

First, to the extent a matter is unresolved and a decision has not been reached in a canonical proceeding, it is not appropriate to release information about the case. The reason for this is the same as that set forth above with respect to the matter involving Fr **REDACTE**. Second, with regard to cases that are concluded, the “action taken” is communicated to the particular Church or Congregation *in loco*. Because the facts and circumstances of each case are already available within the Royal Commission’s jurisdiction in Australia, the information requested is best sought from individuals and entities in that jurisdiction. If there is further information that is necessary for the Commission’s work, but unavailable for the Commission *in loco*, the Holy See will be pleased to receive specific requests for such information and will make every attempt to assist the work of the Commission. Third, this Secretariat respectfully suggests that requests for all information regarding every case – which include requests for documents reflecting internal “deliberations” – are not appropriate. As is the case with all other sovereign subjects of international law, the Holy See maintains the confidentiality of internal deliberations related to its judicial and administrative proceedings, and indeed depends upon deliberative confidentiality to ensure the integrity and efficacy of its judicial and administrative processes. Finally, the Holy See notes that it has provided information relating to individual requests. However, the Royal Commission’s request that the Holy See’s dicasteries undertake the substantial burden of locating, reviewing and copying all files regarding every accused Australian cleric appears inconsistent with international practice.

Notwithstanding the concerns expressed above with respect to the Royal Commission’s inquiries, the Holy See will respond, as it has in the past, to proper requests to assist foreign authorities, and reaffirms the importance of reciprocal exchanges of information between sovereign states. The Holy See will be pleased to respond in the future to appropriate and specific requests conveyed by the Australian Embassy.

The Secretariat of State avails itself of the occasion to renew to the Australian Embassy the assurances of its highest consideration.

From the Vatican, 1 July 2014



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(enclosures)