

Vatican to be sued over sex abuse claims

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Three men who claim they were abused by Catholic clergy in America have succeeded in naming the Vatican as sole defendant in a lawsuit and are hoping to force Pope Benedict XVI to give evidence in the case.

The 6th US circuit court of appeal recently ruled that although the Holy See, as a sovereign state, was immune from most lawsuits, the plaintiffs could proceed with their argument that its officials were involved in a deliberate effort to cover up evidence of sexual abuse by American priests.

Their case centres on a 1962 directive from the Vatican telling church officials to hide sex abuse complaints against clergy.

William F McMurray, a lawyer representing the men, who claim they were abused in Louisville, Kentucky, says the document, which became public in 2003, makes the Vatican liable for the acts of clergy whose crimes were kept secret because of the directive. He says the pope, at 81, is the only living witness to the establishment of the 1962 policy. Before his election to the papacy, Joseph Ratzinger spent 24 years heading the Vatican department charged with investigating and disciplining abusive priests, a role that would have led him to brief his predecessor, John Paul II, on the situation.

McMurray, who has spent four years working on the case, told the Guardian that the pope was the best-placed individual to reveal what was reported to the Congregation for the Doctrine of Faith, when and by whom.

"The fact he is pope does not change anything. He knew what nobody else knew and what the Vatican knew is crucial. They were supposed to be disciplining priests: how were they doing it? We would call him as a witness so I could find out what he did for two and a half decades."

The three men, who allege they were abused between the 1920s and 1970s, are seeking class action status on behalf of all US abuse victims. The US Catholic church has already paid out more than \$2bn (£1.3bn) since 1950.

Jeffrey Lena, the Vatican's attorney, has said the plaintiffs would find it difficult to establish the Vatican's liability for the sexual misconduct of US clergy.

<http://www.guardian.co.uk/world/2008/dec/15/vatican-sex-abuse-claims>