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New church code articles

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PART ONE
SUBSTANTIVE NORMS

Art. 1
§ 1. The Congregation for the Doc¬trine of the Faith, according to art. 52 of the Apostolic Constitution Pastor Bonus , judges delicts against the faith, as well as the more grave delicts committed against morals and in the celebration of the sacraments and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law, with due regard for the competence of the Apostolic Penitentiary and in keeping with Agendi ratio in doctrinarum examine.

§ 2. With regard to the delicts mentioned above in § 1, the Congregation for the Doctrine of the Faith, by mandate of the Roman Pontiff, may judge Cardinals, Patriarchs, Legates of the Apostolic See, Bishops as well as other physical persons mentioned in can. 1405 § 3 of the Code of Canon Law , and in can. 1061 of the Code of Canons of the Eastern Churches.

§ 3. The Congregation for the Doctrine of the Faith judges the reserved delicts mentioned in § 1 according to the following norms.

Art. 2
§ 1. The delicts against the faith referred to in art. 1 are heresy, apostasy and schism according to the norm of can. 751 and 1364 of the Code of Canon Law, and can. 1436 and 1437 of the Code of Canons of the Eastern Churches.

§ 2. In the abovementioned cases referred to in § 1, it pertains to the Ordinary or Hierarch to remit, by norm of law, if it be the case, the latae sententiae excommunication and likewise to undertake a judicial trial in the first instance or issue an extrajudicial decree, with due regard for the right of appeal or of recourse to the Congregation for the Doctrine of the Faith.

Art. 3
§ 1. The more grave delicts against the sanctity of the most Holy Sacrifice and Sacra¬ment of the Eucharist reserved to the Congre¬gation for the Doctrine of the Faith for judgment are:

> 1° the taking or retaining for a sacrile¬gious purpose or the throwing away of the consecrated species , as mentioned in can. 1367 of the Code of Canon Law , and in can. 1442 of the Code of Canons of the Eastern Churches ;
> 2° attempting the liturgical action of the Eucharistic Sacrifice spoken of in can. 1378 § 2, n. 1, of the Code of Canon Law ;
> 3° the simulation of the same, spoken of in can. 1379 of the Code of Canon Law and in can. 1443 of the Code of Canons of the Eastern Churches ;
> 4° the concelebration of the Eucharistic Sacrifice prohibited in can. 908 of the Code of Canon Law , and in can. 702 of the Code of Canons of the Eastern Churches , spoken of in can. 1365 of the Code of Canon

Law , and in can. 1440 of the Code of Canons of the Eastern Churches , with ministers of ecclesial communities which do not have apostolic succession and do not acknowledge the sacramental dignity of priestly ordination.

§ 2. Also reserved to the Congregation for the Doctrine of the Faith is the delict which consists in the consecration for a sacrilegious purpose of one matter without the other or even of both, either within or outside of the eucharistic celebration . One who has perpetrated this delict is to be punished according to the gravity of the crime, not excluding dismissal or deposition.

Art. 4

§ 1. The more grave delicts against the sanctity of the Sacrament of Penance reserved to the Congregation for the Doctrine of the Faith are:

1° the absolution of an accomplice in a sin against the sixth commandment of the Decalogue, mentioned in can. 1378 § 1 of the Code of Canon Law , and in can. 1457 of the Code of Canons of the Eastern Churches ;
2° attempted sacramental absolution or the prohibited hearing of confession, mentioned in can. 1378 § 2, 2° of the Code of Canon Law ;
3° simulated sacramental absolution, mentioned in can. 1379 of the Code of Canon Law , and in can. 1443 of the Code of Canons of the Eastern Churches ;
4° the solicitation to a sin against the sixth commandment of the Decalogue in the act, on the occasion, or under the pretext of confession, as mentioned in can. 1387 of the Code of Canon Law , and in can. 1458 of the Code of Canons of the Eastern Churches , if it is directed to sinning with the confessor himself;
5° the direct and indirect violation of the sacramental seal, mentioned in can. 1388 § 1 of the Code of Canon Law , and in can. 1456 §1 of the Code of Canons of the Eastern Churches ;

§ 2. With due regard for § 1, n. 5, also reserved to the Congregation for the Doctrine of the Faith is the more grave delict which consists in the recording, by whatever technical means, or in the malicious diffusion through communications media, of what is said in sacramental confession, whether true or false, by the confessor or the penitent. Anyone who commits such a delict is to punished according to the gravity of the crime, not excluding, if he be a cleric, dismissal or deposition .

Art. 5

The more grave delict of the attempted sacred ordination of a woman is also reserved to the Congregation for the Doctrine of the Faith:

1° With due regard for can. 1378 of the Code of Canon Law, both the one who attempts to confer sacred ordination on a woman, and she who attempts to receive sacred ordination, incurs a latae sententiae excommunication reserved to the Apostolic See.
2° If the one attempting to confer sacred ordination, or the woman who attempts to receive sacred ordination, is a member of the Christian faithful subject to the Code of Canons of the Eastern Churches, with due regard for can. 1443 of that Code, he or she is to be punished by major excommunication reserved to the Apostolic See.
3° If the guilty party is a cleric he may be punished by dismissal or deposition .

Art. 6

§ 1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.
2° the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§ 2. A cleric who commits the delicts mentioned above in § 1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

Art. 7

§ 1. A criminal action for delicts reserved to the Congregation for the Doctrine of the Faith is extinguished by prescription after twenty years, with due regard to the right of the Congregation for the Doctrine of the Faith to derogate from prescription in individual cases.

§ 2. Prescription runs according to the norm of can. 1362 § 2 of the Code of Canon Law , and can. 1152 § 3 of the Code of Canons of the Eastern Churches . However, in the delict mentioned in art. 6 §1 n. 1, prescription begins to run from the day on which a minor completes his eighteenth year of age.

PART TWO
PROCEDURAL NORMS
Title I

The Constitution and Competence of the Tribunal

Art. 8

§ 1. The Congregation for the Doctrine of the Faith is the Supreme Apostolic Tribunal for the Latin Church as well as the Eastern Catholic Churches, for the judgment of the delicts defined in the preceding articles.

§ 2. This Supreme Tribunal also judges other delicts of which a defendant is accused by the Promotor of Justice, by reason of connection of person and complicity.

§ 3. The sentences of this Supreme Tribunal, rendered within the limits of its proper competence, do not need to be submitted for the approval of the Supreme Pontiff.

Art. 9

§ 1. The Members of the Congregation for the Doctrine of the Faith are ipso iure the judges of this Supreme Tribunal.

§ 2. The Prefect of the Congregation pre¬sides as first among equals over the college of the Members, and if the office of Prefect is va¬cant or if the Prefect himself is impeded, the Secre¬tary of the Congregation carries out his duties.

§ 3. It is the responsibility of the Prefect of the Congregation to nominate additional stable or deputed judges.

Art. 10

It is necessary that such appointed judges be priests, of mature age, possessing a doctorate in canon law, outstanding in good morals, prudence and expertise in the law. Such priests may at the same time exercise a judicial or consultative function before another Dicastery of the Roman Curia.

Art. 11

To present and sustain an accusation a Promotor of Justice is to be appointed, who is to be a priest, possessing a doctorate in canon law, outstanding in good morals, prudence, and expertise in the law. He is to carry out his office in all grades of judgment.

Art. 12

For the functions of Notary and Chan¬cellor, priests are appointed, whether or not they are officials of this Congregation.

Art. 13

The role of Advocate or Procurator is carried out by a priest possessing a doctorate in canon law. He is to be approved by the presiding judge of the college.

Art. 14

Indeed, in the other tribunals dealing with cases under these norms, only priests can validly carry out the functions of Judge, Promotor of Justice, Notary, and Patron [Procurator and Advocate].

Art 15

With regard to the provisions of can. 1421 of the Code of Canon Law , and can. 1087 of the Code of Canons of the Eastern Churches , the Congregation for the Doctrine of the Faith may dispense from the requirements of the priesthood and of a doctorate in Canon Law.

Art. 16

Whenever the Ordinary or Hierarch receives a report of a more grave delict, which has at least the semblance of truth, once the preliminary investigation has been completed, he is to communicate the matter to the Congregation for the Doctrine of the Faith which, unless it calls the case to itself due to particular circumstances, will direct the Ordinary or Hierarch how to proceed further, with due regard, however, for the right to appeal, if the case warrents, against a sentence of the first instance only to the Supreme Tribunal of this same Congregation.

Art. 17

If a case is referred directly to the Congregation without a preliminary in¬ves¬tigation having been undertaken, the steps prelim¬inary to the process, which fall by common law to the Ordinary or Hierarch, may be carried out by the Congregation itself.

Art. 18

With full respect for the right of defense, the Congregation for the Doctrine of the Faith may sanate acts in cases lawfully presented to it if merely procedural laws have been violated by lower Tribunals acting by mandate of the same Congregation or according to art. 16.

Art. 19

With due regard for the right of the Ordinary to impose from the outset of the preliminary investigation those

measures which are established in can. 1722 of the Code of Canon Law , or in can. 1473 of the Code of Canons of the Eastern Churches , the respective presiding judge may, at the request of the Promotor of Justice, exercise the same power under the same conditions determined in the canons themselves.

Art. 20

The Supreme Tribunal of the Congregation for the Doctrine of the Faith judges in second instance:

1° cases adjudicated in first instance by lower tribunals;
2° cases decided by this same Supreme Apostolic Tribunal in first instance.

Title II

The Procedure to be followed in the Judicial Trial

Art. 21

§ 1. The more grave delicts reserved to the Congregation for the Doctrine of the Faith are to be tried in a judicial process.

§ 2. However, the Congregation for the Doctrine of the Faith may:

1° decide, in individual cases, ex officio or when requested by the Ordinary or Hierarch, to proceed by extrajudicial decree, as provided in can. 1720 of the Code of Canon Law and can. 1486 of the Code of Canons of the Eastern Churches . However, perpetual expiatory penalties may only be imposed by mandate of the Congregation for the Doctrine of the Faith.
2° present the most grave cases to the decision of the Roman Pontiff with regard to dismissal from the clerical state or deposition, together with dispensation from the law of celibacy, when it is manifestly evident that the delict was committed and after having given the guilty party the possibility of defending himself.

Art. 22

The Prefect is to constitute a turnus of three or five judges to try the case.

Art. 23

If in the appellate stage the Promotor of Justice brings forward a speci¬fically dif¬ferent accusation, this Supreme Tribunal can admit it and judge it as if at first instance.

Art. 24

§ 1. In cases concerning the delicts mentioned of in art. 4 §1, the Tribunal cannot indicate the name of the accuser to either the accused or his patron unless the accuser has expressly consented.

§ 2. This same Tribunal must consider the particular importance of the question concerning the credibility of the accuser.

§ 3. Nevertheless, it must always be observed that any danger of violating the sacramental seal be altogether avoided.

Art 25

If an incidental question arises, the college is to decide the matter by decree most expeditiously [expeditissime, cf. cann. 1629, n.5? CIC; 1310, n. 5? CCEO].

Art. 26

§ 1. With due regard for the right to appeal to this Supreme Tribunal, once an instance has been finished in any manner before another tribunal, all of the acts of the case are to be transmitted ex officio to the Congregation for the Doctrine of the Faith as soon as possible.

§ 2 The right of the Promotor of Justice of the Congre¬ga¬tion to challenge a sentence runs from the day on which the sentence of first instance is made known to this same Promotor.

Art. 27

Recourse may be had against singular administrative acts which have been decreed or approved by the Congregation for the Doctrine of the Faith in cases of reserved delicts. Such recourse must be presented within the preemptory period of sixty canonical days to the Ordinary Session of the Congregation (the Feria IV) which will judge on the merits of the case and the lawfulness of the Decree. Any further recourse as mentioned in art. 123 of the Apostolic Constitution Pastor bonus is excluded .

Art. 28

A res iudicata occurs:

1° if a sentence has been rendered in second instance;
2° if an appeal against a sentence has not been proposed within a month;
3° if, in the appellate grade, the instance is abated or is renounced;
4° if the sentence has been rendered in accord with the norm of art.20.

Art. 29
§ 1. Judicial expenses are to be paid as the sentence has determined.

§ 2. If the defendant is not able to pay the expenses, they are to be paid by the Ordinary or Hierarch of the case.

Art. 30

§ 1. Cases of this nature are subject to the pontifical secret.

§ 2. Whoever has violated the secret, whe¬ther deliberately (ex dolo) or through grave neg¬li¬gence, and has caused some harm to the accused or to the witnesses, is to be punished with an appropriate penalty by the higher turnus at the insistence of the injured party or even ex officio.

Art. 31

In these cases, together with the prescripts of these norms, by which all Tribunals of the Latin Church and Eastern Catholic Churches are bound, the canons concerning delicts and penalties as well as the canons concerning the penal process of each Code also must be applied.

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t IOANNES PAULUS PP. II, Constitutio apostolica Pastor bonus, De Romana Curia, 28 iunii 1988, art. 52, in

AAS 80 (1988) 874: «Delicta contra fidem necnon graviora delicta, tum contra mores tum in sacramentorum celebratione commissa, quae ipsi delata fuerint, cognoscit atque, ubi opus fuerit, ad canonicas sanctiones declarandas aut irrogandas ad normam iuris, sive communis sive proprii, procedit».
t IOANNES PAULUS PP. II, Constitutio apostolica Pastor bonus, De Romana Curia, 28 iunii 1988, art. 118, in AAS 80 (1988) 890: «Pro foro interno, tum sacramentali tum non sacramentali, absolutiones, dispensationes, commutationes, sanationes, condonationes aliasque gratias eadem largitur».
t CONGREGATIO PRO DOCTRINA FIDEI, Agendi ratio in doctrinarum examine, 29 iunii 1997, in AAS 89 (1997) 830-835.
t Codex Iuris Canonici, can. 1405 - § 3. Rotae Romanae reservatur iudicare:
t 1° Episcopos in contentiosis, firmo praescripto can. 1419 § 2;
t 2° Abbatem primatem, vel Abbatem superiorem congregationis monasticae, et supremum Moderatorem institutorum religiosorum iuris pontificii;
t 3° dioeceses aliasve personas ecclesiasticas, sive physicas sive iuridicas, quae Superiorem infra Romanum Pontificem non habent.
t Codex Canonum Ecclesiarum Orientalium, can. 1061 ? Coram tribunalibus Sedis Apostolicae conveniri debent personae, quae auctoritatem superiorem infra Romanum pontificem non habent, sive sunt personae physicae in ordine episcopatus non constitutae sive sunt personae iuridicae salvo can. 1063 § 4 nn. 3 et 4.
t Codex Iuris Canonici, can. 751 - Dicitur haeresis, pertinax, post receptum baptismum, alicuius veritatis fide divina et catholica credendae denegatio, aut de eadem pertinax dubitatio; apostasia, fidei christianae ex toto repudiatio; schisma, subiectionis Summo Pontifici aut communionis cum Ecclesiae membris eidem subditis detrectatio.
t Codex Iuris Canonici, can. 1364 - § 1. Apostata a fide, haereticus vel schismaticus in excommunicationem latae sententiae incurrit, firmo praescripto can. 194, § 1, n. 2; clericus praeterea potest poenis, de quibus in can. 1336, § 1, nn. 1, 2 et 3, puniri. - § 2. Si diuturna contumacia vel scandali gravitas postulet, aliae poenae addi possunt, non excepta dimissione e statu clericali.
t Codex Canonum Ecclesiarum Orientalium, can. 1436 - § 1. Qui aliquam veritatem fide divina et catholica credendam denegat vel eam in dubium ponit aut fidem christianam ex toto repudiat et legitime monitus non resipiscit, ut haereticus aut apostata excommunicatione maiore puniatur, clericus praeterea aliis poenis puniri potest non exclusa depositione.
t Codex Canonum Ecclesiarum Orientalium, can. 1437 - Qui subiectionem supremae Ecclesiae auctoritati aut communionem cum christifidelibus eidem subiectis detrectat et legitime monitus oboedientiam non praestat, ut schismaticus excommunicatione maiore puniatur.
t PONTIFICIUM CONSILIUM DE LEGUM TEXTIBUS INTERPRETANDIS, Responsio ad propositum dubium, 4 iunii 1999 in AAS 91 (1999) 918.
t D. Utrum in can. 1367 CIC et 1442 CCEO verbum «abicere» intellegatur tantum ut actus proiciendi necne.
t R. Negative et ad mentem.
t Mens est quamlibet actionem Sacras Species voluntarie et graviter despicientem censendam esse inclusam in verbo «abicere».
t Codex Iuris Canonici, can. 1367 - Qui species consecratas abicit aut in sacrilegum finem abducit vel retinet, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrit; clericus praeterea alia poena, non exclusa dimissione e statu clericali, puniri potest.
t Codex Canonum Ecclesiarum Orientalium, can. 1442 - Qui Divinam Eucharistiam abiecit aut in sacrilegum finem abduxit vel retinuit, excommunicatione maiore puniatur et, si clericus est, etiam aliis poenis non exclusa depositione.
t Codex Iuris Canonici, can. 1378 - § 2. In poenam latae sententiae interdicti vel, si sit clericus, suspensionis incurrit:
t 1° qui ad ordinem sacerdotalem non promotus liturgicam eucharistici Sacrificii actionem attentat ...
t Codex Iuris Canonici, can. 1379 - Qui, praeter casus de quibus in can. 1378, sacramentum se administrare simulat, iusta poena puniatur.

t Codex Canonum Ecclesiarum Orientalium, can. 1443 - Qui Divinae Liturgiae vel aliorum sacramentorum celebrationem simulavit, congrua poena puniatur non exclusa excommunicatione maiore.
t Codex Iuris Canonici, can. 908 - Sacerdotibus catholicis vetitum est una cum sacerdotibus vel ministris Ecclesiarum communitatumve ecclesialium plenam communionem cum Ecclesia catholica non habentium, Eucharistiam concelebrare.
t Codex Canonum Ecclesiarum Orientalium, can. 702 - Sacerdotes catholici vetiti sunt una cum sacerdotibus vel ministris acatholicis Divinam Liturgiam concelebrare.
t Codex Iuris Canonici, can. 1365 - Reus vetitae communicationis in sacris iusta poena puniatur.
t Codex Canonum Ecclesiarum Orientalium, can. 1440 - Qui normas iuris de communicatione in sacris violat, congrua poena puniri potest.
t Codex Iuris Canonici, can. 927 - Nefas est, urgente etiam extrema necessitate, alteram materiam sine altera, aut etiam utramque extra eucharisticam celebrationem, consecrare.
t Codex Iuris Canonici, can. 1378 - § 1. Sacerdos qui contra praescriptum can. 977 agit, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrit.
t Codex Canonum Ecclesiarum Orientalium, can. 1457 - Sacerdos, qui complicem in peccato contra castitatem absolvit, excommunicatione maiore puniatur firmo can. 728 § 1, n. 2.
t Codex Iuris Canonici, can. 1378 - § 2. In poenam latae sententiae interdicti vel, si sit clericus, suspensionis incurrit: ... 2° qui, praeter casum de quo in § 1, cum sacramentalem absolutionem dare valide nequeat, eam impertire attentat, vel sacramentalem confessionem audit.
t Codex Iuris Canonici, can. 1379 - Qui, praeter casus de quibus in can. 1378, sacramentum se administrare simulat, iusta poena puniatur.
t Codex Canonum Ecclesiarum Orientalium, can. 1443 - Qui Divinae Liturgiae vel aliorum sacramentorum celebrationem simulavit, congrua poena puniatur non exclusa excommunicatione maiore.
t Codex Iuris Canonici, can. 1387 - Sacerdos, qui in actu vel occasione vel praetextu confessionis paenitentem ad peccatum contra sextum Decalogi praeceptum sollicitat, pro delicti gravitate, suspensione, prohibitionibus, privationibus puniatur, et in casibus gravioribus dimittatur e statu clericali.
t Codex Canonum Ecclesiarum Orientalium, can. 1458 - Sacerdos, qui in actu vel occasione vel praetextu confessionis paenitentem ad peccatum contra castitatem sollicitavit, congrua poena puniatur non exclusa depositione.
t Codex Iuris Canonici, can. 1388 - § 1. Confessarius, qui sacramentale sigillum directe violat, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrit; qui vero indirecte tantum, pro delicti gravitate puniatur.
t Codex Canonum Ecclesiarum Orientalium, can. 1456 - § 1. Confessarius, qui sacramentale sigillum directe violavit, excommunicatione maiore puniatur firmo can. 728, § 1, n. 1; si vero alio modo hoc sigillum fregit, congrua poena puniatur.
t CONGREGATIO PRO DOCTRINA FIDEI, Decretum de sacramenti Paenitentiae dignitate tuenda, 23 septembris 1988, in AAS 80 (1988) 1367.
t CONGREGATIO PRO DOCTRINA FIDEI, Decretum generale de delicto attentatae sacrae ordinationis mulieris, 19 decembris 2007, in AAS 100 (2008) 403.
t Codex Iuris Canonici, can. 1362 - § 2. Praescriptio decurrit ex die quo delictum patratum est, vel, si delictum sit permanens vel habituale, ex die quo cessavit.
t Codex Canonum Ecclesiarum Orientalium, can. 1152 - § 3. Praescriptio decurrit ex die, quo delictum patratum est, vel, si delictum est permanens vel habituale, ex die, quo cessavit.
t Codex Iuris Canonici, can. 1421 - § 1. In dioecesi constituantur ab Episcopo iudices dioecesani, qui sint clerici.
t § 2. Episcoporum conferentia permittere potest ut etiam laici iudices constituantur, e quibus, suadente necessitate, unus assumi potest ad collegium efformandum.
t § 3. Iudices sint integrae famae et in iure canonico doctores vel saltem licentiati.
t Codex Canonum Ecclesiarum Orientalium, can. 1087 - § 1. In eparchia nominentur ab Episcopo eparchiali iudices eparchiales, qui sint clerici.

t § 2. Patriarcha consulta Synodo permanenti vel Metropolita, qui Ecclesiae metropolitanae sui iuris praeest, consultis duobus Episcopis eparchialibus ordinatione episcopali senioribus permittere potest, ut etiam alii christifideles iudices nominentur, ex quibus suadente necessitate unus assumi potest ad collegium efformandum; in ceteris casibus hac in re adeatur Sedes Apostolica.
t § 3. Iudices sint integrae famae, in iure canonico doctores vel saltem licentiati, prudentia et iustitiae zelo probati.
t Codex Iuris Canonici, can. 1722 - Ad scandala praevenienda, ad testium libertatem protegendam et ad iustitiae cursum tutandum, potest Ordinarius, audito promotore iustitiae et citato ipso accusato, in quolibet processus stadio accusatum a sacro ministerio vel ab aliquo officio et munere ecclesiastico arcere, ei imponere vel interdicere commorationem in aliquo loco vel territorio, vel etiam publicam sanctissimae Eucharistiae participationem prohibere; quae omnia, causa cessante, sunt revocanda, eaque ipso iure finem habent, cessante processu poenali.
t Codex Canonum Ecclesiarum Orientalium, can. 1473 - Ad scandala praevenienda, ad testium libertatem protegendam et ad iustitiae cursum tuendum potest Hierarcha audito promotore iustitiae et citato ipso accusato in quolibet statu et grado iudicii poenalis accusatum ab exercitio ordinis sacri, officii, ministerii vel alterius muneris arcere, ei imponere vel prohibere commorationem in aliquo loco vel territorio, vel etiam publicam Divinae Eucharistiae susceptione prohibere; quae omnia causa cessante sunt revocanda et ipso iure finem habent cessante iudicio poenali.
t Codex Iuris Canonici, can. 1720 - Si Ordinarius censuerit per decretum extra iudicium esse procedendum:
t 1° reo accusationem atque probationes, data facultate sese defendendi, significet, nisi reus, rite vocatus, comparere neglexerit;
t 2° probationes et argumenta omnia cum duobus assessoribus accurate perpendat;
t 3° si de delicto certo constet neque actio criminalis sit extincta, decretum ferat ad normam cann. 1342-1350, expositis, breviter saltem, rationibus in iure et in facto.
t Codex Canonum Ecclesiarum Orientalium, can. 1486 - § 1. Ad validitatem decreti, quo poena irrogatur, requiritur, ut: 1° accusatus de accusatione atque probationibus certior fiat data sibi opportunitate ius ad sui defensionem plene exercendi, nisi ad normam iuris citatus comparere neglexit;
t2° discussio oralis inter Hierarcham vel eius delegatum et accusatum habeatur praesentibus promotore iustitiae et notario;
t3° in ipso decreto exponatur, quibus rationibus in facto et in iure punitio innitatur.
t§ 2. Poenae autem, de quibus in can. 1426, § 1, sine hac procedura imponi possunt, dummodo de earum acceptatione ex parte rei scripto constet.
t IOANNES PAULUS PP. II, Constitutio apostolica Pastor bonus, De Romana Curia, 28 iunii 1988, art. 52, in AAS 80 (1988) 891: «§ 1. Praeterea [Supremum Tribunal Signaturae Apostolicae] cognoscit de recursibus, intra terminum peremptorium triginta dierum utilium interpositis, adversus actus administrativos singulares sive a Dicasteriis Curiae Romanae latos sive ab ipsis probatos, quoties contendatur num actus impugnatus legem aliquam in decernendo vel in procedendo violaverit. § 2. In his casibus, praeter iudicium de illegitimitate, cognoscere etiam potest, si recurrens id postulet, de reparatione damnorum actu illegitimo illatorum. § 3. Cognoscit etiam de aliis controversiis administrativis, quae a Romano Pontifice vel a Romanae Curiae Dicasteriis ipsi deferantur necnon de conflictibus competentiae inter eadem Dicasteria».
t SECRETARIA STATUS, Rescriptum ex Audientia SS.mi Il 4 febbraio, quo Ordinatio generalis Romanae Curiae foras datur, 30 aprilis 1999, Regolamento generale della Curia Romana, 30 aprile 1999, art. 36 § 2, in AAS 91 (1999) 646: «Con particolare cura sarà osservato il segreto pontificio, a norma dell'Istruzione Secreta continere del 4 febbraio 1974».
t SECRETARIA STATUS SEU PAPALIS, Rescriptum ex Audientia, instructio Secreta continere, De secreto pontificio, 4 februarii 1974, in AAS 66 (1974) 89-92:
t«Art. 1.- Secreto pontificio comprehenduntur: ?
t4) Denuntiationes extra iudicium acceptae circa delicta contra fidem et contra mores, et circa delicta contra Paenitentiae sacramentum patrata, nec non processus et decisio, quae ad hasce denuntiationes pertinent, salvo

semper iure eius, qui ad auctoritatem delatus est, cognoscendae denuntiationis, si id necessarium ad propriam defensionem fuerit. Denuntiantis autem nomen tunc tantum patefieri licebit, cum auctoritati opportunum videatur ut denuntiatus et is, qui eum denuntiaverit, simul compareant; ?» (p. 90).

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