



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

JANUARY – APRIL 2022

INSTITUTE OF CANON LAW

REGULAR PROGRAMME

JC-L 324: CANONICAL PENAL PROCESS

ORAL EXAMINATION

Date: APRIL 2022	Duration: 3 Hours
INSTRUCTIONS:	

CHAPTER I: GENERAL CONCEPTS

1. *Nulla poena sine iudicio*. The Process as non Imprescindable Phenomenon
2. The Process as Instrument of Search for Truth

CHAPTER II: THE PRELIMINARY INVESTIGATION

3. The Preliminary Investigation in the CIC 1983: the *notitia criminis*
 - The Object, the Function and the Subjects of Investigation
 - The Preliminary Investigation and the Proof
 - Secrecy and Duration of the Preliminary Investigation
 - Juridical Nature of the Preliminary Investigation
 - The Closing of the Preliminary Investigation. The Provision of Can. 1341
4. Can. 1342: The Judicial Way or the Administrative Way?

CHAPTER III: THE ADMINISTRATIVE PROCESS

5. The Administrative Process in the 1983 Code: Differences in respect of Judicial Process
6. The Citation of the Imputed Person and the Right to Defense

7. The Evaluation of Proofs
8. The Decisional and Impugment Phase

CHAPTER IV: JUDICIAL PENAL PROCESS

9. The Exercise of the Criminal Action and Its Prescription: the Promotor of Justice
10. Precautionary and Urgent Provisions
11. Judicial Impendings Prior to the Beginning of the Process
12. The Imputed Person. The Citation to Judgment
13. The Right of the Accused Person to Defend Himself/herself
14. The *contestatio litis*
15. The Instruction Phase:
 - Interrogation of the Imputed Person
 - Examination of the Witnesses
 - Proof of the Expert
 - Documentary Proof
16. The Publication of the Acts and the Conclusion of the Case
17. The Discussion of the Case
18. The Decisional Phase
19. The Appeal
20. The Adjudged Matter. The *nova causae propositio* and the *restitutio in integrum*

CHAPTER V: ACTION FOR THE REPARATION OF DAMMAGES

21. The *legitimatio ad causam*
22. The Promotion of the *actio ad damna reparanda*
23. The Deferral of the Judgment *de damnis*

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