



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A

MAIN EXAMINATION

SEPTEMBER – DECEMBER 2019 TRIMESTER

P.O. Box 62157

00200 Nairobi - KENYA

Telephone: 891601-6

INSTITUTE OF CANON LAW

REGULAR PROGRAMME

JC-DET 115: PROOF AND DEFENSE

WRITTEN EXAMINATION

Date: DECEMBER 2019

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any other TWO Questions

- Q1. Explain the canonical doctrine on the obligation that falls on the parties to say the truth, refusal to respond and the value of the declarations of the parties in a contentious trial. **(30 Marks)**
- Q2. a) Explain the concept of Document in Canon Law.
b) Basing on the juridical nature and reliability of documents, describe how different types of documents acquire their probative force. **(20 Marks)**
- Q3. Explain any five provisions of Canon Law that regulate the introduction of witnesses in a contentious trial. **(20 Marks)**
- Q4. a) Explain the concept of “Expert” in a contentious trial and show an understanding of instances when a judge should make recourse to the opinion of experts.
b) Describe the requirements of Canon Law on the examination of the parties by an expert and the evaluation of the expert’s opinion by the judge? **(20 Marks)**
- Q5. a) Describe the notion of presumption and explain the general provisions in the Code of Canon Law on the value of presumptions. **(20Marks)**

END