

Litteræ Apostolicæ Motu Proprio Datæ
quibus Normæ de gravioribus delictis
Congregationi pro Doctrina Fidei Reservatis promulgantur
Apostolic Letter Issued Motu Proprio**
by which are promulgated Norms on more grave delicts reserved
to the Congregation for the Doctrine of the Faith

SACRAMENTORUM SANCTITATIS TUTELA, SS. mæ Eucharistiæ maxime et Pœnitentiæ, necnon fidelium in sortem Domini vocatorum præservatio in observantia sexti Decalogi præcepti, postulant ut ad salutem animarum procurandam, «quæ in Ecclesia suprema semper lex esse debet» (Codex Iuris Canonici, can. 1752), ipsa Ecclesia sua pastorali sollicitudine interveniat ad præcavenda violationis pericula.

Iam inde a Prædecessoribus nostris per opportunas Apostolicas Constitutiones sanctitati sacramentorum, præsertim Pœnitentiæ, provisum est, sicut Benedicti Papæ XIV Constitutione *Sacramentum Pœnitentiæ*, die 1 mensis iunii anno 1741,¹ edita: itemque canones Codicis Iuris Canonici anno 1917 promulgati, cum eorum fontibus, quibus sanctiones canonicæ contra huius speciei delicta statutæ fuerant, eundem scopum persequerentur.²

Recentiore tempore ut ab his et conexas delictis præcaveatur, Suprema Sacra Congregatio Sancti Officii per Instructionem, incipientem a verbis *Crimen sollicitationis*, ad omnes Patriarchas, Archiepiscopos, Episcopos aliosque locorum Ordinarios «etiam Ritus Orientalis» directam die 16 mensis martii anno 1962, modum procedendi hisce in causis statuit, quippe quæ in ipsis iudicialis competentia, sive per viam administrativam, sive per viam processualem, exclusive tributa erat. In mente retinendum est quod huiusmodi Instructio vim legis habebat, cum Summus Pontifex, ad normam can. 247, § 1 Codicis Iuris Canonici anno 1917 promulgati, præerat Sancti Officii Congregationi et de sua ipsius auctoritate Instructio procedebat, Cardinale pro tempore existente tantum Secretarii munere fungente.

Felicis recordationis Summus Pontifex Paulus Papa VI competentiam iudicalem et administrativam in procedendo «secundum suas emendatas et probatas normas» confirmavit per Constitutionem Apostolicam de Romana Curia Regimini Ecclesiæ Universæ, die 15 mensis augusti anno 1967 editam.³

Denique, Nostra qua pollemus auctoritate, in Constitutione Apostolica *Pastor bonus*, die 28 mensis iunii anno 1988 promulgata, expresse statuimus: «Delicta contra fidem necnon graviora delicta tum contra mores tum in sacramentorum celebratione commissa, quæ ipsi delata fuerint, [Congregatio pro Doctrina Fidei] cognoscit atque, ubi opus fuerit, ad canonicas sanctiones declarandas aut irrogandas ad normam iuris, sive communis sive proprii, procedit»,⁴ ulterius confirmando et determinando iudicalem eiusdem Congregationis pro Doctrina Fidei competentiam tanquam Tribunalis Apostolici.

Approbata a Nobis Agendi ratione in doctrinarum examine,⁵ necesse quidem erat pressius definire sive «graviora

THE SAFEGUARDING OF THE SANCTITY OF THE SACRAMENTS, especially the Most Holy Eucharist and Penance, and the keeping of the faithful, called to communion with the Lord, in their observance of the sixth commandment of the Decalogue, demand that the Church itself, in her pastoral solicitude, intervene to avert dangers of violation, so as to provide for the salvation of souls "which must always be the supreme law in the Church" (CIC, can. 1752).

Indeed, Our Predecessors already provided for the sanctity of the sacraments, especially penance, through appropriate Apostolic Constitutions such as the Constitution *Sacramentum Pœnitentiæ*, of Pope Benedict XIV, issued June 1, 1741;¹ the same goal was likewise pursued by a number of canons of the *Codex Iuris Canonici*, promulgated in 1917 with their *fontes* by which canonical sanctions had been established against delicts of this kind.²

In more recent times, in order to avert these and connected delicts, the Supreme Sacred Congregation of the Holy Office, through the Instruction *Crimen sollicitationis*, addressed to all Patriarchs, Archbishops, Bishops, and other local Ordinaries "even of the Oriental Rite" on March 16, 1962, established a manner of proceeding in such cases, inasmuch as judicial competence had been attributed exclusively to it, which competence could be exercised either administratively or through a judicial process. It is to be kept in mind that an Instruction of this kind had the force of law since the Supreme Pontiff, according to the norm of can. 247, § 1 of the *Codex Iuris Canonici* promulgated in 1917, presided over the Congregation of the Holy Office, and the Instruction proceeded from his own authority, with the Cardinal at the time only performing the function of Secretary.

The Supreme Pontiff, Pope Paul VI, of happy memory, by the Apostolic Constitution on the Roman Curia, *Regimini Ecclesiæ Universæ*, issued on August 15, 1967, confirmed the Congregation's judicial and administrative competence in proceeding "according to its amended and approved norms."³

Finally, by the authority with which we are invested, in the Apostolic Constitution, *Pastor Bonus*, promulgated on June 28, 1988, we expressly established, "[The Congregation for the Doctrine of the Faith] examines delicts against the faith and more grave delicts whether against morals or committed in the celebration of the sacraments, which have been referred to it and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common or proper law,"⁴ thereby further confirming and determining the judicial competence of the same Congregation for the Doctrine of the Faith as an Apostolic Tribunal.

After we had approved the *Agendi ratio in doctrinarum examine*,⁵ it was necessary to define more precisely both "the more

¹ April 30, 2001, in *AAS*, 93 (2001), pp. 737-739.

** This unofficial translation is based on a translation of the *motu proprio* by the USCCB and revised by Joseph R. Punderson and Charles J. Scicluna. The translations of the canons of the *CIC* and the *CCEO* are from the translations published by the Canon Law Society of America in 1999 and 2001 respectively.

delicta tum contra mores tum in sacramentorum celebratione commissa», pro quibus competentia Congregationis pro Doctrina Fidei exclusiva manet, sive etiam normas processuales speciales «ad canonicas sanctiones declarandas aut irrogandas».

Hiscæ Nostris Litteris Apostolicis Motu Proprio datis hoc opus perfecimus ideoque per eas promulgamus Normas de gravioribus delictis Congregationi pro Doctrina Fidei reservatis, in duas partes distinctas, quarum prima continet Normas substantiales, secunda vero Normas processuales, mandando omnibus quorum interest ut studiose et fideliter servent. Ipsæ Normæ vim legis exserunt eadem die qua promulgatæ sunt.

Contrariis quibuscumque, etiam speciali mentione dignis, non obstantibus.

Datum Romæ, apud Sanctum Petrum, die XXX mensis Aprilis, in memoria Sancti Pii V Papæ, anno XXXIII, Pontificatus Nostri vicesimo tertio.

Ioannes Paulus PP. II

grave delicts whether against morals or committed in the celebration of the sacraments" for which the competence of the Congregation for the Doctrine of the Faith remains exclusive, and also the special procedural norms "for declaring or imposing canonical sanctions."

With this apostolic letter, issued *motu proprio*, we have completed this work and we hereby promulgate the *Norms concerning the more grave delicts reserved to the Congregation for the Doctrine of the Faith*, which Norms are divided in two distinct parts, of which the first contains *Substantive Norms*, and the second *Procedural Norms*. We therefore enjoin all those concerned to observe them diligently and faithfully. These Norms take effect on the very day when they are promulgated.

All things to the contrary, even those worthy of special mention, notwithstanding.

Given in Rome at St. Peter's on April 30, 2001, the memorial of Pope St. Pius V, in the twenty-third year of Our Pontificate.

Pope John Paul II

¹ BENEDICT XIV. Constitution *Sacramentum Penitentiae*, June 1, 1741, in *Codex Iuris Canonici*, prepared at the order of Pius X, Supreme Pontiff, promulgated by the authority of Pope Benedict XV, *Documenta*, Document V in *AAS* 9 (1917), Part II, 505-508.

² Cf. *Codex Iuris Canonici anno 1917 promulgatus*, cann. 817; 2316; 2320; 2322; 2368, §1; 2369, §1.

³ Cf. POPE PAUL VI, Apostolic Constitution *Regimini Ecclesiae Universae*, On the Roman Curia, August 15, 1967, n. 36, *AAS*, 59 (1967), p. 898.

⁴ POPE JOHN PAUL II, Apostolic Constitution *Pastor bonus*, On the Roman Curia, June 28, 1988, art. 52, in *AAS*, 89 (1988), p. 874.

⁵ CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Agendi ratio in doctrinarum examine*, June 29, 1997, in *AAS*, 89 (1997), pp. 830-835.

Pars Prima—Normæ Substantiales

Part One—Substantive Norms¹

Art. 1, §1. Congregatio pro Doctrina Fidei, ad normam art. 52 Constitutionis Apostolicæ *Pastor bonus*,⁶ cognoscit delicta graviora tum contra mores tum in sacramentorum celebratione commissa atque, ubi opus fuerit, ad canonicas sanctiones declarandas aut irrogandas ad normam iuris, sive communis sive proprii, procedit, salva competentia Pœnitentiariæ Apostolicæ⁷ et firma manente *Agendi ratione in doctrinarum examine*.⁸

§2. Delicta de quibus in §1 Congregatio pro Doctrina Fidei cognoscit ad normam articulorum qui sequuntur.

Art. 2, §1. Delicta contra sanctitatem augustissimi Eucharistiæ Sacrificii et sacramenti, Congregationi pro Doctrina Fidei cognoscendo reservata, sunt:

1° abductio vel retentio in sacrilegum finem, aut abiectio consecratarum specierum,⁹ de quibus in can. 1367 Codicis Iuris Canonici¹⁰ et in can. 1442 Codicis Canonum Ecclesiarum Orientalium;¹¹

2° attentatio liturgicæ eucharistici Sacrificii actionis, de qua in can. 1378 §2, n. 1 in Codicis Iuris Canonici,¹² vel eiusdem simulatio, de qua in can. 1379 Codicis Iuris Canonici¹³ et in can. 1443 Codicis Canonum Ecclesiarum Orientalium;¹⁴

3° verita in can. 908 Codicis Iuris Canonici¹⁵ et in can. 702 Codicis Canonum Ecclesiarum Orientalium¹⁶ eucharistici Sacrificii concelebratio, de qua in can. 1365 Codicis Iuris Canonici¹⁷ et in can. 1440 Codicis Canonum Ecclesiarum Orientalium,¹⁸ una cum ministris communitatum ecclesiarum, qui successionem apostolicam non habent nec agnoscunt ordinationis sacerdotalis sacramentalem dignitatem.

§2. Congregationi pro Doctrina Fidei reservatum quoque delictum quod consistit in consecratione in sacrilegum finem alterius materiæ sine altera in eucharistica celebratione, aut etiam utriusque extra eucharisticam celebrationem.¹⁹ Qui hoc delictum paraverit, pro gravitate criminis puniatur, non exclusa dimissione vel depositione.

Art. 3. Delicta contra sanctitatem sacramenti Pœnitentiæ, Congregationi pro Doctrina Fidei cognoscendo reservata, sunt:

1° absolutio complicitis in peccato contra sextum Decalogi præceptum, de qua in can. 1378, §1 Codicis Iuris Canonici²⁰ et in can. 1457 Codicis Canonum Ecclesiarum Orientalium;²¹

2° sollicitatio in actu vel occasione vel prætextu confessionis ad peccatum contra sextum Decalogi præceptum, de qua in can. 1387 Codicis Iuris Canonici²² et in can. 1458 Codicis Canonum Ecclesiarum Orientalium,²³ si ad peccandum cum ipso confessario dirigitur;

3° violatio directa sigilli sacramentalis, de qua in can. 1388, §1 Codicis Iuris Canonici²⁴ et in can. 1456, §1 Codicis Canonum Ecclesiarum Orientalium.²⁵

Art. 4, §1. Reservatio Congregationi pro Doctrina Fidei extenditur quoque ad delictum contra sextum Decalogi præceptum

Art. 1, §1. The Congregation for the Doctrine of the Faith, according to the norm of art. 52 of the Apostolic Constitution *Pastor Bonus*,⁶ judges more grave delicts whether against morals or committed 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, without prejudice to the competence of the Apostolic Penitentiary⁷ and with *Agendi ratio in doctrinarum examine*⁸ remaining in force.

§2. The Congregation for the Doctrine of the Faith judges the delicts mentioned in §1 according to the norms which follow.

Art. 2, §1. The delicts against the sanctity of the Most Holy Sacrifice and Sacrament of the Eucharist, reserved to the Congregation for the Doctrine of the Faith for judgment are:

1° the taking or retaining for a sacrilegious purpose, or the throwing away of the consecrated species⁹ mentioned in can. 1367 of the Code of Canon Law¹⁰ and in can. 1442 of the Code of Canons of the Eastern Churches;¹¹

2° attempting the liturgical offering of the Eucharistic Sacrifice mentioned in can. 1378, § 2, n. 1, of the Code of Canon Law,¹² or the simulation of the same, mentioned in can. 1379 of the Code of Canon Law¹³ and in can. 1443 of the Code of Canons of the Eastern Churches;¹⁴

3° the concelebration of the Eucharistic Sacrifice prohibited in can. 908 of the Code of Canon Law¹⁵ and in can. 702 of the Code of Canons of the Eastern Churches,¹⁶ mentioned in can. 1365 of the Code of Canon Law¹⁷ and in can. 1440 of the Code of Canons of the Eastern Churches,¹⁸ 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 in a Eucharistic celebration, or even of both outside of the Eucharistic celebration.¹⁹ One who has perpetrated this delict is to be punished according to the gravity of the crime, not excluding dismissal or deposition.

Art. 3. The delicts against the sanctity of the sacrament of Penance reserved to the Congregation for the Doctrine of the Faith for judgement 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 Law²⁰ and in can. 1457 of the Code of Canons of the Eastern Churches;²¹

2° the solicitation to a sin against the sixth commandment of the Decalogue in the act, on the occasion, or under the pretext of confession, mentioned in can. 1387 of the Code of Canon Law²² and in can. 1458 of the Code of Canons of the Eastern Churches,²³ if it is directed to sinning with the confessor himself.

3° the direct violation of the sacramental seal, mentioned in can. 1388, §1, of the Code of Canon Law²⁴ and in can. 1456, §1, of the Code of Canons of the Eastern Churches.²⁵

Art. 4. § 1. Reservation to the Congregation for the Doctrine

¹The Congregation for the Doctrine of the Faith granted permission to print the *Normæ substantiales* and the *Normæ processuales*. The translation of the Norms is by Gregory Ingels, as revised by Joseph R. Punderson and Charles J. Scicluna. The translations of the canons of the *CIC* and the *CCEO* are from the translations published by the Canon Law Society of America in 1999 and 2001 respectively.

cum minore infra ætatem duodeviginti annorum a clerico commissum.

§2. Qui delictum de quo in §1 pataverit, pro gravitate criminis puniatur, non exclusa dimissione vel depositione.

Art. 5, §1. Actio criminalis de delictis Congregationi pro Doctrina Fidei reservatis præscriptione extinguitur decennio²⁶.

§2. Præscriptio decurrit ad normam can. 1362, §2 Codicis Iuris Canonici²⁷ et can. 1152, §3 Codicis Canonum Ecclesiarum Orientalium.²⁸ In delicto autem, de quo in art. 4, §1, præscriptio decurrere incipit a die quo minor duodevicesimum ætatis annum explevit.

of the Faith is also extended to a delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years.

§ 2. One who has perpetrated the delict mentioned in §1 is to be punished according to the gravity of the offense, not excluding dismissal or deposition.

Art. 5, §1. Criminal action for delicts reserved to the Congregation for the Doctrine of the Faith is extinguished by prescription after ten years²⁶.

§2. Prescription runs according to the norm of can. 1362, §2, of the Code of Canon Law²⁷ and can. 1152, §3, of the Code of Canons of the Eastern Churches²⁸. However, in the delict mentioned in art. 4, §1, prescription begins to run from the day on which the minor completes the eighteenth year of age.

Pars Altera—Normæ Processuales Part Two—Procedural Norms

Titulus I

De Tribunali constitutione et competentia

Art. 6, §1. Congregatio pro Doctrina Fidei est Supremum Tribunal Apostolicum pro Ecclesia Latina necnon pro Ecclesiis Orientalibus Catholicis ad cognoscenda delicta articulis præcedentibus definita.

§2. Hoc Supremum Tribunal cognoscit etiam alia delicta, de quibus reus a Promotore Iustitiæ accusatur ratione connexionis personæ et complicitatis.

§3. Sententiæ huius Supremi Tribunalis, latæ intra limites propriæ competentiæ, Summi Pontificis approbationi non subiciuntur.

Art. 7, §1. Iudices huius Supremi Tribunalis sunt ipso iure Patres Congregationis pro Doctrina Fidei.

§2. Patrum collegio, primus inter pares, præest Congregationis Præfectus et, munere Præfecti vacante aut ipso Præfecto impedito, eius munera explet Congregationis Secretarius.

§3. Præfecti Congregationis est nominare iudices stabiles vel deputatos.

Art. 8. Iudices nominati sacerdotes sint oportet, maturæ ætatis, laurea doctorali in iure canonico præditi, bonis moribus, prudentia et iuris peritia præclari, licet munus iudiciale vel consultivum apud aliud Dicasterium Romanæ Curiæ simul exerceant.

Art. 9. Ad accusationem exhibendam et sustinendam Promotor Iustitiæ constituitur, qui sit sacerdos, laurea doctorali in iure canonico præditus, bonis moribus, prudentia et iuris peritia præclarus, qui officium suum in omnibus iudicii gradibus expleat.

Art. 10. Ad munera Notarii et Cancellarii, deputantur sacerdotes, sive huius Congregationis Officiales sive externi.

Art. 11. Advocati et Procuratoris munere fungitur sacerdos, laurea doctorali in iure canonico præditus, qui a Præsidente collegii approbatur.

Art. 12. In aliis Tribunalibus vero, pro causis de quibus in his Normis, munera Iudicis, Promotoris Iustitiæ, Notarii atque Patroni tantummodo sacerdotes valide explere possunt.

Art. 13. Quoties Ordinarius vel Hierarcha notitiam

Title I

The Constitution and Competence of the Tribunal

Art. 6, §1. §1. The Congregation for the Doctrine of the Faith is the Supreme Apostolic Tribunal for the Latin Church and for the Eastern Catholic Churches for the judgement of the delicts defined in the preceding articles.

§2. This Supreme Tribunal also judges other delicts of which a defendant is accused by the Promoter 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. 7, §1. The Members of the Congregation for the Doctrine of the Faith are by the law itself judges of this Supreme Tribunal.

§2. The Prefect of the Congregation presides as first among equals over the college of the Members, and if the office of Prefect is vacant or if the Prefect himself is impeded, the Secretary of the Congregation carries out those duties of the Prefect.

§3. It pertains to the Prefect of the Congregation to appoint [other] judges, whether permanent (*stabiles*) or delegated (*deputatos*).

Art. 8. 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. 9. To present or sustain an accusation a Promoter 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. 10. For the functions of Notary and Chancellor, priests are appointed, whether or not they Officials of this Congregation.

Art. 11. The role of Advocate and 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. 12. Indeed, in the other Tribunals dealing with cases under these Norms, only priests can validly carry out the functions of Judge, Promoter of Justice, Notary, and Patron [Procurator and Advocate].

Art. 13. Whenever the Ordinary or Hierarch receives a

saltem verisimilem habeat de delicto reservato, investigatione prævia peracta, eam significet Congregationi pro Doctrina Fidei quæ, nisi ob peculiaria rerum adiuncta causam sibi advocet, Ordinarium vel Hierarcham ad ulteriora procedere iubet, firmo tamen iure appellandi contra sententiam primi gradus tantummodo ad Supremum Tribunal eiusdem Congregationis.

Art. 14. Si casus ad Congregationem directe deferatur, investigatione prævia haud peracta, munera processui præliminaria, quæ iure communi ad Ordinarium vel Hierarcham spectant, ab ipsa Congregatione adimplentur.

Art. 15. Firmo iure Ordinarii imponendi quæ in can. 1722 Codicis Iuris Canonici²⁸ vel in can. 1473 Codicis Canonum Ecclesiarum Orientalium³⁰ statuuntur, etiam Præses Tribunalis pro tumo, ad instantiam Promotoris Iustitiæ, eandem habet potestatem sub iisdem condicionibus in ipsis canonibus determinatis.

Art. 16. Supremum Tribunal Congregationis pro Doctrina Fidei iudicat in secunda instantia:

1° causas a Tribunalibus inferioribus in prima instantia iudicatas;

2° causas ab eodem Supremo Tribunali Apostolico in prima instantia definitas.

Titulus II De ordine iudiciario

Art. 17. Delicta graviora Congregationi pro Doctrina Fidei reservata, non nisi in processu iudicali persequenda sunt.

Art. 18. Præfectus Tumus trium vel quinque iudicum ad causam cognoscendam constituitur.

Art. 19. Si in gradu appellationis Promotor Iustitiæ accusationem specificè diversam afferat, hoc Supremum Tribunal potest, tamquam in prima instantia, illam admittere et de ea iudicare.

Art. 20, §1. In causis ob delicta, de quibus in art. 3, Tribunal nomen denuntiantis sive accusato sive etiam eius Patrono significare non potest, nisi denuntians expresse consenserit.

§2. Idem Tribunal pendere debet peculiare momentum circa denuntiantis credibilitatem.

§3. Animadvertendum tamen est ut quodvis periculum violandi sigillum sacramentale omnino vitetur.

Art. 21. Si quæstio incidens exoritur, Collegium per decretum rem expeditissime definiat.

Art. 22, §1. Salvo iure ad hoc Supremum Tribunal appellandi, instantia apud aliud Tribunal quovis modo finita, omnia acta causæ ad Congregationem pro Doctrina Fidei ex officio quam primum transmittantur.

§2. Promotoris Iustitiæ Congregationis ius sententiam impugnandi decurrit a die qua sententia primæ instantiæ ipsi Promotori nota facta sit.

Art. 23. Res iudicata habetur:

1° Si sententia in secunda instantia prolata fuerit;

report of a reserved delict which has at least a semblance of truth [notitiam saltem verisimilem], 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 against a sentence of the first instance only to the Supreme Tribunal of the same Congregation.

Art. 14. If a case is referred directly to the Congregation without a preliminary investigation having been undertaken, the steps preliminary to the process, which fall by common law to the Ordinary or Hierarch, are carried out by the Congregation itself.

Art. 15. With due regard for the right of the Ordinary to impose those measures which are established in can. 1722 of the Code of Canon Law²⁸ or in can. 1473 of the Code of Canons of the Eastern Churches,³⁰ the respective Presiding Judge, may, at the request of the Promoter of Justice, exercise the same power under the same conditions determined in the canons themselves.

Art. 16. 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 the same Supreme Apostolic Tribunal in first instance.

Title II

The Procedure to be followed in the Judicial Trial

Art. 17. The more grave delicts reserved to the Congregation for the Doctrine of the Faith may only be tried in a judicial process.

Art. 18. The Prefect is to constitute a Tumus of three or five judges to try the case.

Art. 19. If in the appellate stage the Promoter of Justice brings forward a specifically different accusation, this Supreme Tribunal can admit it and judge it as if at first instance.

Art. 20, §1. In cases concerning the delicts mentioned in art. 3, the Tribunal cannot indicate the name of the accuser to either the accused or his Patron unless the accuser has expressly consented.

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

§3. Nevertheless, it is to be observed that any danger of violating the sacramental seal must be completely avoided.

Art. 21. If an incidental question arises, the College is to decide the matter by decree as promptly as possible [expeditissime, cf. cann. 1629, n. 5° CIC; 1310, n. 5° CCEO].

Art. 22, §1. With due regard for the right to appeal to this Supreme Tribunal, once an instance has finished in any manner before another Tribunal, all of the acts of the case are to be transmitted *ex officio* as soon as possible to the Congregation for the Doctrine of the Faith.

§2. The right of the Promoter of Justice of the Congregation to challenge a sentence runs from the day on which the sentence of first instance is made known to this same Promoter.

Art. 23. 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

2° si appellatio adversus sententiam non fuerit intra mensem proposita;

3° si, in gradu appellationis, instantia perempta sit vel eadem renuntiarum fuerit;

4° Si lata fuerit sententia ad normam art. 16.

Art. 24, §1. Expensæ iudiciales solvantur prout sententia statuerit.

§2. Si reus expensas solvere non valeat, eadem solvantur ab Ordinario vel Hierarcha causæ.

Art. 25, §1. Huiusmodi causæ secreto pontificio subiectæ sunt.³¹

§2. Quicumque secretum violaverit, vel ex dolo aut gravi negligentia, accusato vel testibus aliud damnum intulerit, ad instantiam partis læsæ vel etiam ex officio, congruis poenis a Turmo superiore puniatur.

Art. 26. Hisce in causis, una cum præscriptis harum normarum, quibus omnia Tribunalia Ecclesiæ Latinæ et Ecclesiarum Orientalium Catholicarum tenentur, canones quoque de delictis et poenis necnon de processu poenali utriusque Codicis applicandi sunt.

within a month;

3° if, in the appellate stage, the instance is abated or is renounced;

4° if the sentence has been rendered in accord with the norm of art. 16.

Art. 24, §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 Hierarchy of the case.

Art. 25, §1. Cases of this nature are subject to the pontifical secret.³¹

§2. Whoever has violated the secret, whether deliberately (*ex dolo*) or through grave negligence, and has caused some harm to the accused or to the witnesses, is to be punished with an appropriate penalty by the higher Turmus at the request of the injured party or even *ex officio*.

Art. 26. In these cases, together with the prescripts of these Norms, by which all Tribunals of the Latin Church and Eastern Catholic Churches are bound, also the canons concerning delicts and penalties as well as the canons concerning the penal process of each Code must be applied.

⁶ JOHN PAUL II, apostolic constitution *Pastor Bonus*, On the Roman Curia, June 28, 1988, art. 52, in *AAS*, 80 (1988), p. 874: "[The Congregation for the Doctrine of the Faith] examines delicts against the faith and more grave delicts whether against morals or committed in the celebration of the sacraments, which have been referred to it and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law."

⁷ JOHN PAUL II, apostolic constitution *Pastor Bonus*, On the Roman Curia, June 28, 1988, art. 118, in *AAS*, 80 (1988), pp. 890: "For the internal forum, whether sacramental or non-sacramental, it grants absolutions, dispensations, commutations, sanctions, condonations and other favors."

⁸ CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Agendi ratio in doctrinarum examine*, June 29, 1997, in *AAS*, 89 (1997), pp. 830-835.

⁹ PONTIFICAL COUNCIL FOR THE INTERPRETATION OF LEGISLATIVE TEXTS, Response to a proposed doubt, June 4, 1999, in *AAS*, 91 (1999), p. 918:

D. Whether or not the word "*abdicere*" in canons 1367 *CIC* and 1442 *CCEO* should be understood only as the act of throwing away.

R. *Negative and ad mentem*.

The "*mens*" is that the word "*abdicere*" should be considered to include any voluntarily and gravely contemptuous action towards the Sacred Species.

¹⁰ *Code of Canon Law*, can. 1367 – A person who throws away the consecrated species or takes or retains them for a sacrilegious purpose incurs a *latae sententiae* excommunication reserved to the Apostolic See; moreover, a cleric can be punished with another penalty, not excluding dismissal from the clerical state.

¹¹ *Code of Canon Law*, can. 1367. A person who throws away the consecrated species or takes or retains them for a sacrilegious purpose incurs a *latae sententiae* excommunication reserved to the Apostolic See; moreover, a cleric can be punished with another penalty, not excluding dismissal from the clerical state.

¹² *Code of Canon Law*, can. 1378, § 2. The following incur a *latae sententiae* penalty of interdict or, if a cleric, a *latae sententiae* penalty of suspension:
1° a person who attempts the liturgical action of the Eucharistic sacrifice though not promoted to the sacerdotal order.

¹³ *Code of Canon Law*, can. 1379. In addition to the cases mentioned in can. 1378, a person who simulates the administration of a sacrament is to be punished with a just penalty.

¹⁴ *Code of Canons of the Eastern Churches*, can. 1443. A person who has simulated the celebration of the Divine Liturgy or other sacraments is to be punished with an appropriate penalty, not excluding a major excommunication.

¹⁵ *Code of Canon Law*, can. 908 – Catholic priests are forbidden to concelebrate the Eucharist with priests or ministers of Churches or ecclesial communities which do not have full communion with the Catholic Church.

¹⁶ *Code of Canons of the Eastern Churches*, can. 702. Catholic priests are forbidden to concelebrate the Divine Liturgy with non-Catholic priests or ministers.

¹⁷ *Code of Canon Law*, can. 1365. A person guilty of prohibited participation in sacred rites (*communicatio in sacris*) is to be punished with a just penalty.

¹⁸ *Code of Canons of the Eastern Churches*, can. 1440. A person who violates the norms of law concerning participation in sacred rites (*communicatio in sacris*) can be punished with an appropriate penalty.

¹⁹ *Code of Canon Law*, can. 927. It is absolutely forbidden, even in extreme urgent necessity, to consecrate one matter without the other or even both outside the eucharistic celebration.

²⁰ *Code of Canon Law*, can. 1378, §1. A priest who acts against the prescript of can. 977 incurs a *latae sententiae* excommunication reserved to the Apostolic See.

²¹ *Code of Canons of the Eastern Churches*, can. 1457. A priest who has absolved an accomplice in a sin against chastity is to be punished with a major excommunication, with due regard for canon 728, § 1, n. 2.

²² *Code of Canon Law*, can. 1387. A priest who in the act, on the occasion, or under the pretext of confession solicits a penitent to sin against the sixth commandment of the Decalogue is to be punished, according to the gravity of the delict, by suspension, prohibitions, and privations; in graver cases he is to be dismissed from the clerical state.

²³ *Code of Canons of the Eastern Churches*, can. 1458. A priest who in the act, on the occasion, or under the pretext of confession, has solicited a penitent to sin against chastity, is to be punished with an appropriate penalty, not excluding deposition.

²⁴ *Code of Canon Law*, canon 1388, §1. A confessor who directly violates the sacramental seal incurs a *latae sententiae* excommunication reserved to the Apostolic See; one who does so only indirectly is to be punished according to the gravity of the delict.

²⁵ *Code of Canons of the Eastern Churches*, can. 1456, §1. A confessor who has directly violated the sacramental seal is to be punished with a major excommunication, with due regard for canon 728, § 1, n. 1; however, if he broke this seal in another manner, he is to be punished with an appropriate penalty.

²⁶ *Code of Canon Law*, can 1362, §1. Prescription extinguishes a criminal action after three years unless it concerns:

1° delicts reserved to the Congregation for the Doctrine of the Faith . . .

Cf. *Code of Canons of the Eastern Churches*, can. 1152, § 2. A penal action is extinguished by prescription after three years, unless it is a question of:

1° delicts reserved to the Apostolic See . . .

²⁷ *Code of Canon Law*, can. 1362, §2. Prescription runs from the day on which the delict was committed or, if the delict is continuous or habitual, from the day on which it ceased.

²⁸ Cf. *Code of Canons of the Eastern Churches*, can. 1152, § 3. Prescription runs from the day on which the delict was committed or, if the delict is continuous or habitual, from the day on which it ceased.

²⁹ *Code of Canon Law*, can. 1722. To prevent scandals, to protect the freedom of witnesses, and to guard the course of justice, the ordinary, after having heard the promoter of justice and cited the accused, at any stage of the process can exclude (*arcere*) the accused from the sacred ministry or from some office and ecclesiastical function, can impose or forbid residence in some place or territory, or even can prohibit public participation in the Most Holy Eucharist. Once the cause ceases, all these measures must be revoked; they also end by the law itself when the penal process ceases.

³⁰ *Code of Canons of the Eastern Churches*, can. 1473. To prevent scandals, to protect the freedom of witnesses, and to guard the course of justice, the hierarch, after having heard the promoter of justice and cited the accused, at any stage and grade of the penal trial can exclude (*arcere*) the accused from the exercise of sacred orders, an office, a ministry, or another function, can impose or forbid residence in some place or territory, or even can prohibit public reception of the Divine Eucharist. Once the cause ceases, all these measures must be revoked and they will end by the law itself when the penal trial ceases.

³¹ SECRETARIAT OF STATE, Rescript from an Audience of the Holy Father *Il 4 febbraio*, by which the *Regolamento Generale della Curia Romana* is made public, April 30, 1999, *Regolamento Generale della Curia Romana*, April 30, 1999, art. 36, § 2, in *AAS*, 91 (1999), pp. 646: "With particular care, the pontifical secret will be observed, according to the norm of the Instruction *Secreta continere* of February 4, 1974."

THE SECRETARIAT OF STATE OR PAPAL SECRETARIAT, Rescript from an Audience, the Instruction *Secreta continere*, Concerning the Pontifical Secret, February 4, 1974, in *AAS*, 66 (1974), pp. 89-92:

"Art. 1. Included under the pontifical secret are: . . .

4. Extrajudicial denunciations received regarding delicts against faith and against morals, and regarding delicts perpetrated against the sacrament of Penance; likewise the trial and decision which pertain to those denunciations, with due regard for the right of the one who has been reported to the authorities to know of the denunciation, if such knowledge is necessary for his own defense. However, it will be permissible to make known the name of the denouncer only when it seems opportune to the authorities that the denounced person and the denouncer appear together in the trial; . . ." (p. 90).