LATIN PATRIARCHATE
OF JERUSALEM

PROJECT PROPOSAL

6TH ANNUAL REGIONAL CANONICAL CONFERENCE 2017
CATHOLIC BISHOPS, JUDGES, LAWYERS AND PASTORS
DEAD SEA, JORDAN

GA 090/17

GENERAL ADMINISTRATION
PROJECT DEVELOPMENT OFFICE
FEBRUARY 2017
“The World Tells us to Seek Success, Power and Money; God Tells us to seek Humility, Service and Love.”
(H.H Pope Francis)

THE LATIN PATRIARCHATE

The Latin Patriarchate of Jerusalem (LPJ) was restored in 1847; its main goal is to promote the best interest of the local communities it serves in. Today, the Patriarchal Diocese oversees about 90,000 faithful in four countries, including the Galilee, The Palestinian Authority, Jordan and Cyprus, covering a rich tapestry of cultures, languages, religions and traditions. Serving all with special emphasis on the support and care of indigenous Holy Land Christians remains the enduring mission of the Mother Church, the Latin Patriarchate of Jerusalem.

INTRODUCTION

The Latin Patriarchate of Jerusalem Ecclesiastic Court

In the Latin Patriarchal Diocese of Jerusalem, as it is for the universal Catholic Church, the administration of justice is secured by the Ecclesiastical Tribunal Court, which applies, in their processes, «The Code of Canon Law » (1983). The Ecclesiastical Tribunal Court deals especially with the matrimonial cases, such as: the nullity of marriage, the separation of the spouses, the dispensation from a ratified, non-consummated marriage, and the presumed death of a spouse.

Except this, the jurisdiction of the Ecclesiastical Tribunal Court of the Latin Patriarchate of Jerusalem, is extended also to the cases related to the Personal Statute whose jurisdiction, elsewhere, belongs to the civil tribunals. This jurisdiction is equal to the jurisdiction given to the other communities: Christian, Muslim and Jewish. The law applied is «The law of Personal Statute in the Latin Patriarchal Diocese of Jerusalem» (1954), and the competence include the legal successions, the testaments, the alimentary pensions, guardianships, adoptions of minors, nominations of an administrator to the legacy of persons considered absentees, the erection of a pious foundation (Waqf), etc.

Ever since 1870 the Ecclesiastic Court has been the main source to maintain and defend the individual and families rights of residents in the Holy Land, namely Christians. The court is not only instrumental today in arbitrating and deciding on marital and successive rights of Christians, but is also the only source that has archived the movement as well as the changes that affected the residents of the Holy Land over generations and since 1870. The court and its archives are two instrumental institutions that require continuous upkeep and preserving.

THE NEEDS

Based on the success and impact the 5 conferences and workshops have had on lawyers, which were held in 2012 - 2016, the Latin Patriarchate Ecclesiastic Court- Jerusalem, intends to organize its Sixth Annual conference and study days for Bishops, Judges and Lawyer.

There are around 80 lawyers and judges who practice at the Latin Patriarchate Ecclesiastic Court in Jerusalem, West Bank, Nazareth and Amman; they come from Bethlehem area, Ramallah, Jerusalem, Nazareth and Haifa, in addition to other major cities in Jordan. All of them are Christian lawyers. While practicing lawyers are well educated on Civil Law, few of them know the Canon Law, especially when it comes to handling matrimonial cases.
Furthermore, the Latin Patriarchate Ecclesiastic Court in Jerusalem, Amman and Nazareth have an Albo for the registered lawyers. This Albo needs to be renewed and new applications are growing in numbers; however, most of the new applicants are not acquainted with the Canon Law, and need to be educated on this field before being approved to join the Albo. Unfortunately, there are no specialized institutions or training programs in these regions that helps qualify existing or new lawyers in ecclesiastic and matrimonial cases.

On Dec. 8th of 2015, His Holiness Pope Francis delivered his Motu Proprio:

“MITIS IUDEX DOMINUS IESUS”

Then the new regulations by which the canons of the Code of Canon Law pertaining to cases regarding the nullity of marriage and reformed and became efficient and applicable.

Here are the main innovations:

1. The Ordinary (Bishop) in his Diocese is the First Judge, and in the short procedures (Fast Track) cases is the one to take the decision for the nullity.
2. There is no need for a second positive sentence from the Appeal Court.
3. Introduction of the “Fast Track” in the clear oblivious cases, which should be introduced by both parties, or with the consent of the second party to the Bishop.
4. The Judicial Vicar receiving the petition decides which ordination should the court proceed with, according to the petition demonstrating the case and its proof.
5. Both parties or any of them may appeal against the First instance sentence, and right that is guaranteed by law.
6. Pastoral investigation or inquiry is a new path to prepare for dramatic cases, to verify possibilities to submit an annulment petition.

THE CHALLENGES

1. Bishops are facing real challenges with the new regulation because they are in the front line with the disputed parties and are the one to take the decision on the cases ruled through the “Fast Track” procedures.
2. Most bishops are not prepared legally to be in the front line, or to take such legal decisions, and articulate the sentence on annulments.
3. Those with legal background never practiced court and legal procedures; therefore, they face many challenges on how to manage justice and legal procedures.
4. The Fast Track approach is intended to help facilitate solving the disputes, and end long matrimonial struggles. However, such procedures are not easy, and should be well studied and prepared either by the parties or by their layers. Married couples and many lawyers are not aware of the new regulations and do not understand the process.
5. The Motu Propio is a new subject to all the participants. Without training and study days to introduce it to them and deepening their understandings, makes it in a real technical risk and force it to lose its objectives.
THE OBJECTIVES

The Latin Patriarchate is intending to work with the four components of matrimonial cases at the Ecclesiastic Courts: Bishops, Priests, Judges and Lawyers, through organizing several workshops to introduce and explain the new regulations and innovations of the Motu Proprio.

The following points describe the objectives of the conference:

Bishops: The Ordinary Bishop is the first judge in his Diocese, which means, he has to be aware of the procedures in the Canon Law, as well as technical legal reason of annulment, and how to apply it. The Ordinary Bishop may act on his own, or through others like his Judicial Vicar, or any other judge he might nominate for the case. However, in the Fast Track procedure, he is the one to take the decision in the case, and formulate the sentence.

The objectives on working with the Ordinary Bishop in the plan are as follows:

1. To provide the Bishops with the necessary knowledge on the canonical reasons for annulment.
2. To provide them with the legal procedures and technicalities.
3. To introduce them to the innovations given by His Holiness Pope Francis in dealing with Matrimonial cases, mainly the Fast Track procedures.
4. To ensure that they will be the guarantee for justice, and for saving the unity of marriage with respect to the new regulations according to the request of His Holiness.
5. To secure the efficiency of the new regulations and their faithful applications.

Priests: The Motu Proprio introduced new mechanism in helping those dramatic matrimonial cases with the so called “Pastoral investigation,” and the role of the pastor as the first counselor in family disputes.

The objectives for working with the pastors are as follows:

1. To educate pastors about the Canon Law, the Annulment reasons, the disputes in matrimonial cases and their role in such conditions.
2. The kind of advice to give in matrimonial disputes.
3. How to assist the parties and whom to consult.
4. Old dramatic cases and the pastoral investigation as an introduction to annulment petition and their role in this regards.
5. To help pastors avoid embarrassments and misguidance to parties in difficulties, and to help them avoid legal consequences.

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Judges: Not all judges are legally prepared for their role as Judges, some of them never studied Law, and have no legal background and some others only enjoy some experience in working at the Ecclesiastic Court for some reasons. However, such a condition, that also vary from diocese to another and from one section of the diocese to another, and from a community to another require continuous education and training. However, with the introduction of the Motu Proprio, require more considerations and deep studies are required.

Therefore, our objectives from organizing the training for judges are as follows:
1. Introduction to the new regulations of the Motu Proprio.
2. Introduction to the innovation of the short process and the Fast Track.
3. Introduction to the procedures to be applied according to the new regulations.
4. Introduction to the value of proofs in proving the annulment in the Fast Track cases.

Lawyers: Lawyers remain the main players in preparing the petition and following technically their cases. Most of our Christian Lawyers are well equipped in the civil law in their countries, but none of them has a degree in Canon law, or had any preparation neither in the teaching of the Catholic Church concerning the sacrament of marriage, nor the reasons for annulment and the procedure law. Moreover, the new regulation of the Motu Proprio makes it harder for them.

Our objectives are as follows:
1. Provide lawyers with a deeper knowledge of the Canon Law in general and new regulations in particular and how to prepare the petition for the Fast Track.
2. Provide lawyers with a specific theological and pastoral understanding of matrimony according to the teaching of the Catholic Church.
3. Provide lawyers with a specific technical understanding of the matrimonial canonical laws.
4. Discuss of the relationship of the Canon Law and civil law regarding matrimony.
5. Initiate a series of specialized workshops through the year for graduates.
6. Create a new line of communication between lawyers to help them exchange experiences.
7. Encourage partnerships between lawyers from West Bank and Israel for common cases.
THE PROGRAM

Based on the success and impact the five workshops and conferences have had on lawyers and judges, that were held in 2012 – 2016, the Latin Patriarchate Ecclesiastic Court- Jerusalem & Amman, intends to organize its 6th Annual conference for Christian Lawyers. LP-EC intends to organize 12 sessions over Four days, an intensive training course that would deal with the Theology of Matrimony, the Pastoral aspects, as well as the legal aspects. Specialized lecturers will present the various subjects.

Two visiting professors from the Lateran University will be lecturing about Canon Law, with the focus on the Motu Proprio. These lectures would explain in detail legal reasons for Annulment, separation and unconsumed marriage, legal proofs, procedures, all based on the theological meaning of Matrimony as sacrament, as well as the pastoral care, and the role of pastors, counselors in providing specialized assistance for parties.

Such a workshop is important for all, old and new members, as continuous education for the old registered lawyers, and introduction and specialized education for new applicants to be registered lawyer in our Albo. In addition to that, such training courses and workshops are very important, not only for the lawyers, but also for the good of the families and parties in matrimonial cases.

A main targeted sector for this year conference will be Catholic Bishops of the Middle East region, as well as judges, to explain to them the new regulations, modifications, and innovations that were promulgated in the Motu Proprio, the facilitation of the procedures, and the role of the Ordinary Bishop as Judge in his Diocese.

Our conference is the only initiative at the Regional level, and besides to its importance as legal conference, it is our chance to share experiences, knowledge, difficulties between all Catholic Churches of the region, with the different denominational Ecclesiastic Courts.

The ultimate objective remains Salus Animarum, through all these efforts, we are seeking to have all the elements of the Ecclesiastic Courts, well equipped to enable them with deeper preparation and qualification and technical instruments for the service of Justice, and the good of our families and faithful.
THE SCHEDULE

The 6th Regional Annual Conference will take place at the Crown Plaza Resort at the Dead Sea in Jordan between the 17th to the 23rd of July 2017 and extends over five nights and six days, with 12 lectures, discussion groups, and a meeting with His Excellency Archbishop Pizzaballa who will lecture them in the High Mass to conclude our Conference, about the role of the Catholic Church in defending the Sacrament of Marriage and the service of Justice.

The first two days 17th-19th will be consecrated to Catholic Bishops, Judges and Pastors of the Catholic Churches of the Middle East. Their lectures will focus on Pastoral and legal preparation for marriage, Failure of marriage and Counseling, Mediation between parties, new legal instructions, Pastoral investigation.

From the 19th to the 22nd the focus will be more on continuous education for Christian lawyers, with specialized lectures on the Defects of Consensus according to Canon Law, and going into details of the various types of defect; Simulation, fear, paternal respect,, lack of internal freedom, fraud, besides to the legal process measures and practical training.
### Project Statement of Activity

**Donations**

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**Surplus / Deficit**

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**Checked By:** Anton Asfar  
Financial Controller

**Approved By:** Fr. Imad Twal  
General Administrator
# THE PROPOSED BUDGET FOR THE CANONICAL CONFERENCE OF 2017

**Project Name**  
Eccl Court Lawyers Conference Summer 2017

**Project Code**  
40-340

**Expectation Period**  
17/07/2017 - 23/07/2017

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The Prepared by Anton Asfar  
Financial Manager of the Latin Patriarchate of Jerusalem.

Approved by Fr. Imad Twal  
General Administrator of the Latin Patriarchate of Jerusalem.

For further information, please contact the Project Development Office.
PHOTOS

Pictures from the 5th Annual Regional Canonical Conference that was held last year at the Movenpick Resort, Dead Sea, Jordan.