

**МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ  
ЧЕРНІГІВСЬКИЙ НАЦІОНАЛЬНИЙ ТЕХНОЛОГІЧНИЙ УНІВЕРСИТЕТ**

## **English for lawyers**

**Методичні вказівки до практичних занять з англійської мови за  
професійним спрямуванням для студентів спеціальності 081 «Право»  
Частина III**

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## Іноземна мова за професійним спрямуванням

English for Lawyers. Методичні вказівки до практичних занять з англійської мови за професійним спрямуванням для студентів спеціальності 081 «Право». III частина / Укл.: Шевченко Ю.В., Гречок Л.М., Лашук Н.М – Чернігів: ЧНТУ, 2020. – 58 с.

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Кафедра іноземних мов професійного спрямування

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## ВСТУП

Методичні вказівки призначені для проведення практичних занять зі студентами юридичного факультету та укладені відповідно до чинної навчальної програми з дисципліни “Іноземна мова за професійним спрямуванням”.

Мета пропонованих методичних вказівок – сприяти формуванню професійно-орієнтованої компетенції в читанні, усному і писемному мовленні, що здійснюється в межах ситуативного професійного контексту.

Методичні вказівки містять 4 модулів, в які входять 8 тем із текстами для читання, завданнями для перевірки прочитаного, лексичними та граматичними вправами, завданнями на розвиток умінь усного мовлення та письма. Підібраний текстовий матеріал є органічним компонентом професійної підготовки студентів юристів. Фахові тексти та система вправ допоможуть майбутнім спеціалістам оволодіти відповідною термінологічною лексикою, підготують їх до спілкування іноземною мовою у професійному середовищі. Різноманітність та варіативність завдань сприятимуть реалізації диференційованого та індивідуального підходів до студентів.

## Module 9. Company law

### Unit 1. Company formation and management

#### 1.1 Answer the questions:

1. What does company law deal with?
2. What is the difference between a company and a partnership?
3. What documents are required when forming a company?

#### 1.2 Match the following English words and expressions with their Ukrainian equivalents:

1. legal person	a) рада директорів
2. business entity	b) товариство
3. partnership	c) акціонер
4. shareholding member	d) володіти майном
5. own property	e) позиватися, подавати позов
6. sue	f) обмежена відповідальність
7. limited liability	g) борг
8. debt	h) юридична особа
9. personal liability	i) особиста відповідальність
10. board of directors	j) суб'єкт господарювання

#### 1.2.1 Make up your sentences with words and expressions from 1.2

1.3 Read the text quickly, then match these phrases (a-f) with the paragraphs (1-6).

### Introduction to Company Law

- A. directors duties      C. company definition      E. partnership definition  
B. management roles      D. company health      F. company formation

1. Company law<sup>1</sup> is the law which deals with the creation and regulation of business entities. The most common forms of business entity are companies and partnerships. A company<sup>2</sup> is a business association which has character of a legal person, distinct from its officers and shareholders. This is significant, as it allows the

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company to own property in its own name, continue perpetually despite changes in ownership, and insulate the owners against personal liability. However, in some instances, for example when the company is used to perpetrate fraud or acts ultra vires, the court may lift the corporate veil and subject the shareholders to personal liability.

2. By contrast, a partnership is a business association which, strictly speaking, is not considered to be a legal entity but, rather, merely an association of owners. However, in order to avoid impractical results, such as the partnership as if it were a legal entity. Nonetheless, partners are not insulated against personal liability, and the partnership may cease to exist upon a change in ownership, for example, when one of the partners dies.

3. A company is formed upon the issuance of a certificate of incorporation by the appropriate governmental authority. A certificate of incorporation is issued upon the filing of the constitutional documents of the company, together with statutory forms and the payment of a filing fee. The 'of constitution' of a company consists of two documents. One, the memorandum association, states the objects of the company and the details of its authorized capital, otherwise known as the nominal capital. The second document, the articles of association, contains provision for the internal management of the company, for example, shareholders annual general meetings, or AGMs, and extraordinary general meetings, the board of directors, corporate contracts and loans.

4. The management of a company is carried out by its officers, who include a director, manager and/or company secretary. A director is appointed to carry out and control the day-to-day affairs of the company. The structure, procedures and work of the board of directors, which as a body govern the company, are determined by the company's articles of association. A manager is delegated supervisory control of the affairs of the company. A manager's duties to the company are generally more burdensome than those of the employees, who basically owe a duty of confidentiality to the company. Every company must have a company secretary, who cannot also be the sole director of the company. This requirement is not applicable if there is more than one director. A company's auditors are appointed at general meetings. The auditors do not owe a duty to the company as a legal entity, but, rather, to the shareholders, to whom the auditor's report is addressed.

5. The duties owed by directors to a company can be classified into two groups. The first is a duty of care and the second is a fiduciary duty. The duty of care requires that the directors must exercise the care of an ordinarily prudent and diligent person under the relevant circumstances. The fiduciary duty stems from the position

of trust and responsibility entrusted to directors. This duty has many aspects, but, broadly speaking, a director must act in the best interests of the company and not for any collateral purpose. However, the courts are generally reluctant to interfere, provided the relevant act or omission involves no fraud, illegality or conflict of interest.

6. Finally, a company's state of health is reflected in its accounts 4, including its balance sheet and profit-and-loss account. Healthy profits might lead to a bonus or capitalization issue to the shareholders. On the other hand, continuous losses may result in insolvency and the company going into liquidation.

1. (US) corporation(s) law
2. (US) corporation
3. (US) bylaws
4. (US) financial statements

### **1.3.1 Write your summary to the text above**

#### *Vocabulary focus*

### **1.4 Complete the paragraph with the words from the box**

fixed dividend / marketability / voting rights / shareholders / preference shares
---

The division of share capital usually entails two classes of shares, namely ordinary shares and \_\_\_\_\_. The ordinary \_\_\_\_\_ has voting rights, but the payment of dividends is dependent upon the performance of the company. Preference shareholders on the other hand, receive a \_\_\_\_\_ irrespective of performance (provided the payment of dividends is legally permitted) before the payment of any dividend to ordinary shareholders, but preference shareholders normally have no \_\_\_\_\_. There is also the possibility of share subdivision, whereby, for example, one ten-pound share is split into ten one-pound shares, usually in order to increase \_\_\_\_\_. The reverse process is, appropriately enough, termed share consolidation.

**1.4.1 Match the roles in company management (1-10) with their definitions (a-j).**

1. auditor	A. person appointed by a shareholder to attend and vote at a meeting in his/her place when the shareholder is unable to attend
2. company secretary	B. company director responsible for the day-to-operation of the company
3. director	C. person elected by the shareholders to manage the company and decide its general policy.
4. liquidator	D. person engaged in developing or taking the initiative to form a company (arranging capital, obtaining personnel, making arrangements for filing corporate documentation)
5. managing director	E. person appointed by the company to examine the company's accounts and to report to the shareholders annually on the accounts
6. official receiver	F. company's chief administrative officer, whose responsibilities include accounting and finance duties, personnel administration and compliance with employment legislation, security of documentation, insurance and intellectual property rights
7. promoter	G. member of the company by virtue of an acquisition of shares in a company
8. proxy	H. officer of the court who commonly acts as a liquidator of a company being wound up by the court
9. receiver	I. person appointed by creditors to oversee the repayment of debts
10. shareholder	J. person appointed by a court, the company or its creditors to wind up the company's affairs

***SPEAKING* 1.5 Prepare the report about companies as legal entities, how they are formed and managed, the legal duties of company directors and the court's role in policing them.**



**GRAMMAR FOCUS: Passive Voice (Present, Past, Future Indefinite)**

**1.6 Find the sentences with passive voice from the text above “Introduction to Company Law”. Translate them into Ukrainian.**

**1.6.1 Open the brackets using the verbs in correct forms of Passive Voice**

1. The company (to close) last month because of debts.
2. A director (to appoint) to carry out the day-to-day affairs of the company.
3. A manager (to delegate) supervisory control of the company last week.
4. A new company (to form) upon the issuance of a certificate of incorporation.
5. All necessary documents (to provide) to the court tomorrow.
6. Our relations with one another (to govern) by many rules of conduct.
7. Crimes (to classify) a felony or misdemeanor.
8. The Greeks believed that laws (to make) by the people for the people.
9. The famous criminal (to arrest) the day before yesterday.
10. The company (to close) last month because of debts.

**Unit 2. Legal aspects of fundamental changes in a company**

**2.1 Answer the questions:**

1. Do changes in a company require the involvement of lawyers?
2. What changes can happen to a company?

**2.2 Match the following English words and expressions with their Ukrainian equivalents:**

1. takeover bid	a) платоспроможна
2. business entity	b) поглинання компанії
3. insolvent	c) неплатоспроможна
4. merger	d) злиття
5. company's assets	e) акціонери
6. winding-up	f) ліквідація
7. shareholders	g) борг
8. debt	h) юридична особа
9. personal liability	i) особиста відповідальність
10. solvent	j) активи компанії

### **2.2.1 Make up your sentences with words and expressions from 2.2**

**2.2.2 Before you read the text, match these terms (1-7), which all refer to types of changes in company structure, with their definitions (a-g) If necessary, consult the glossary.**

1. Constitutional amendment
2. Consolidation
3. Acquisition of controlling shares
4. Voluntary liquidation
5. Merger
6. Sale of substantially all assets
7. Compulsory winding-up

- a) The liquidation of a company after a petition to the court, usually by a creditor
- b) The combining of two companies to form an entirely new company
- c) Liquidation proceedings that are supported by a company's shareholders
- d) A change in a company's name, capital or objects
- e) The purchase of shares owned by shareholders who have a controlling interest
- f) The acquisition of one company by another, resulting in the survival of the one them and dissolution of the other
- g) A form of acquisition whereby all or almost all assets and liabilities of a company are sold

**2.3 Read the text about the area of company law dealing with the changes made to a company that require the involvement of lawyers**

#### **Company law: fundamental changes in a company**

At some point in the life of a company, the owners may wish to make fundamental changes to the company. Some of these changes may merely be basically administrative, such as changing the company's name. Other changes may entail alteration of the company's structure. These changes sometimes place the rights of creditors and minority shareholders at risk and are thus subject to special statutory regulation. The main examples of the types of alterations which fall into this group are constitutional amendments, mergers, consolidations, sale of substantially

all assets acquisition of controlling shares and liquidation.

The most common constitutional alterations in a company include alteration of the company's name, capital or objects. According to English law, a change of name can be made by special resolution in a general meeting, or all the members must sign a written resolution that the name of the company be changed to the new name. A signed copy of the resolution containing the new name must then be submitted to the Registrar of Companies. If the submission is in order, Companies House will issue a Certificate of incorporation on Change of Name.

A company may alter its capital structure, provided that the articles of association grant such power. Such an alteration might entail such things as an increase in share capital a consolidation or division of shares, a subdivision of shares or a cancellation of shares.

A company may only reduce its share capital following court confirmation. A company may alter its objective clause by special resolution. However, the court may at its discretion set aside such a resolution upon application by a small group of minority shareholders.

A merger takes place when one company is absorbed into another company. Where company X is merged into company Y, company Y is the acquiring company and survives, while company X is the acquired company and disappears. In a consolidation both company X and company Y disappear and a new company Z is formed.

A company may also gain control of another company by purchasing substantially all of the other company's assets. At common law, a sale of this kind normally required unanimous shareholder approval. However, today such sales may take place upon approval by some majority of the shareholders. Acquisition of shares is another method of gaining control of another company. This is achieved by purchasing all or the controlling portion of outstanding shares in a company. Many times this is achieved through a takeover bid<sup>1</sup>, whereby company Y (the acquiring company or acquirer) makes a public invitation to shareholders of company X (the acquired company or target) to sell their stock, generally at a price above the market price. There can be hostile takeovers or friendly takeovers. In the former, the takeover is opposed by the target company's management, while in the latter the action is supported by management. Various regulations apply largely to protect the target company shareholders.

Finally, winding up or liquidation of a company is the process by which the life of a company brought to the end. Compulsory winding up<sup>2</sup> is ordered by the court when the company is insolvent. However, a voluntary liquidation<sup>3</sup> refers to a process

which may be investigated by the members of the company where the company is solvent.

1. (US) tender offer
2. (US) involuntary bankruptcy
3. (US) dissolution or winding up

### **2.3.2 Answer the questions according to the text**

1. What changes can happen to a company?
2. When does a merger take place ?
3. How can a company gain control of another company?
4. What does winding up mean?
5. When does compulsory winding up happen?
6. What does voluntary liquidation mean?

### ***Writing***

#### **2.3.3 Write your summary to the text above**

### ***Vocabulary focus***

**2.4 The text above contains several pairs of opposing concepts. Find the counterpart of each of these words**

1. acquiring company
2. hostile takeover
3. acquirer
4. solvent

#### **2.4.1 Complete the paragraph with the words from the box**

legal person / company / property / members / business entity / sole proprietor / partners
---

A \_\_\_\_\_ is a group of people which is treated as a \_\_\_\_\_, with a separate identity from its shareholding members. It can own property, enter into contracts; sue others and be sued. This contrasts with a partnership, which is not considered to be a legal person and is not able to own \_\_\_\_\_ in its own name.

Because of the limited liability of the \_\_\_\_\_ of a company for its debts, as well as its separate personality and tax treatment, the company has become the most

popular form of \_\_\_\_\_ in most countries in the world. Companies have an inherent flexibility which can let them grow; there is no legal reason why a company initially formed by a \_\_\_\_\_ cannot eventually grow to be a publicly listed company, but a partnership will generally have limited number of \_\_\_\_\_.

### 2.4.2 Render into English

Юридична компанія «АДВАЙС» є командою професійних юристів.

Ми реєструємо зміни в:

- місцезнаходженні компанії (юридичну адресу компанії, пропонуємо оренду юридичної адреси);
- розмірі статутного капіталу (збільшення або зменшення, зміна розміру часток учасників, розподіл часток у статутному капіталі);
- складі учасників (юридичний супровід повної або часткової заміни власників корпоративних прав компанії);
- зміна організаційно-правової форми організації бізнесу;
- інші зміни, пов'язані з приведенням документів компанії у відповідність до сучасних вимог законодавства.

У разі, коли Ваш бізнес досяг своїх цілей чи діяльність компанії втратила свою актуальність ми допоможемо припинити діяльність (ліквідувати юридичну особу) або продати її новим власникам. Гарантуємо професійний підхід.

### ***GRAMMAR FOCUS: Passive Voice (Present, Past, Future Indefinite, Perfect; Present, Past Continuous)***

#### **2.5 Open the brackets using the verbs in correct forms of Passive Voice**

1. The changes in company (to make) now.
2. The protocol about shareholders meeting (to read) at this time yesterday.
3. He (to punish) already for being drunk while driving a car.
4. The principle of limited government (to establish) by the Magna Carta.
5. The document (to study) by the time the Dean came into the room.
6. The final version of the Magna Charter (to draft) by John in 1215.
7. The verdict (to announce) when he came in the court room.
8. The opening statement (to announce) five minutes ago.
9. The fingerprints (to identify) when chief officer came into the room.
10. The shareholder's meeting (to hold) from 1 till 2 yesterday.

**2.5.1 Imagine that a policeman has made a report and now is telling his boss about the event of the day using Passive Voice**

1) The famous deputy/ to kill yesterday. Two suspects / to catch near the place of murder. Witnesses / already to question. Evidence / already to find.

2) Famous murderer Stivenson escaped from federal prison. All areas / to search. All roads leading to the city / to take under control. All police headquarters / already to inform. His photoes / to show on TV.

**2.5.2 Open the brackets using the verbs in correct forms of Active or Passive Voice**

1. Probation (to use) for minor offences.
2. Magistrates (to guide) on points of law by a clerk.
3. The house (to search) when the chief investigator called.
4. He (to find) innocent and the case (to close) last week.
5. The burglar (to break) into the house and (to steal) a new TV set.
6. The famous criminal (not to arrest) the day before yesterday.
7. The verdict (to announce) by the time he came in the court room.
8. A defense-lawyer (to represent) the accused in five minutes.
9. A drug dealer (to sell) drugs when a police caught him.
10. Experts (to examine) the fingerprints by noon yesterday.

**Module 10. Criminal Law and Crime Investigation**

**Unit 1. Basic Concepts of Criminal Law. Crimes**

**1.1 Read and comment on the quotation by Edmund Burke.  
How do you understand it?**

*“Bad laws are the worst sort of tyranny”*

*Edmund Burke, British statesman and political philosopher*

**1.2 Answer the questions:**

1. What is the main task of criminal law?
2. How do criminal law cases and civil law cases differ in the way they are initiated?

**1.3 Match the following English words and expressions with their Ukrainian equivalents:**

1. to be tempted to	a) типовий злочин
2. to threaten with punishment	b) забороняти
3. conduct	c) на відміну від
4. archetypal crimes	d) намагатись розв'язати правові спори
5. disturbance of the public peace and order	e) призвести до шкідливих наслідків
6. to forbid	f) бути схильним до чогось
7. lead to harmful results	g) бути ув'язненим
8. unlike	h) загрожувати покаранням
9. to seek to resolve legal disputes	i) поведінка
10. to be incarcerated	j) порушення суспільного миру й порядку

**1.3.1 Make up your sentences with words and expressions from 1.3**

**1.4 Read the following text to understand what information is new for you and do the tasks below**

**Criminal Law**

Criminal law is the body of law that deals with crime and the legal punishment of criminal offenses. It seeks to protect the public from harm by inflicting punishment upon those who have already done harm and by threatening with punishment those who are tempted to do harm. The harm that criminal law aims to prevent varies. It may be physical harm, death, or bodily injury to human beings; the loss of or damage to property; disturbance of the public peace and order; or injury to the public health. Criminal law also often tries to avoid harm by forbidding conduct that may lead to harmful results.

Criminal punishment, depending on the offense and jurisdiction, may include execution, loss of liberty, government supervision (parole or probation), or fines. There are some archetypal crimes, like murder, but the illegal acts are not wholly the same between different criminal codes, and even within a particular code lines may be blurred, as civil law violations sometimes give rise also to criminal consequences. Criminal law typically is enforced by the government, unlike the civil law, which may be enforced by private parties.

Criminal law involves prosecution by the government of a person for an act that has been classified as a crime. Civil cases, on the other hand, involve individuals and organizations seeking to resolve legal disputes. In a criminal case, the state, through a prosecutor, initiates the suit, while in a civil case the victim brings the suit.

**1.4.1 Answer the following questions using the information from the text**

1. What does the term “criminal law” denote?
2. What way does criminal law seek to protect the public from harm?
3. What can criminal punishment include?
4. Are illegal acts the same in different criminal codes?
5. What is criminal law / civil law usually enforced by?
6. Who initiates the suit in the civil case / criminal case?

**1.4.2 Match the two parts of the sentences (number and letter)**

- 1) Criminal law often tries to
- 2) Criminal law typically is enforced
- 3) Civil law may be enforced
- 4) Criminal law involves
- 5) Civil cases involve
- 6) In a criminal case,
- 7) In a civil case
- 8) Persons convicted of a crime
- 9) Persons found liable in a civil case

A. by the government.

B. the victim brings the suit.

C. prosecution by the government of a person for an act that has been classified as a crime.

D. may only have to give up property or pay money, but are not incarcerated.

E. may be incarcerated, fined, or both.

F. avoid harm by forbidding conduct that may lead to harmful results.

G. individuals and organizations seeking to resolve legal disputes.

H. the state initiates the suit

I. by private parties.



### *Vocabulary focus*

#### **1.5 Give the English equivalents for the following word combinations and make up your sentences with them:**

Кримінальне право, кримінальний кодекс, злочин, правопорушення, покарання, призначати покарання, загрожуючи покаранням, запобігати злочину, тілесні ушкодження, забороняти, втрата свободи, нагляд, умовне покарання, типові злочини, призвести до шкідливих наслідків, бути схильним до чогось, бути ув'язненим, порушення громадського порядку.

**1.5.1 Find synonyms for the following words and word combinations:** criminal offense, civil offence, damage, penalty, prohibited, human being, disagreement, to be imprisoned, responsible, criminal code, control, be found guilty.

**1.5.2 Arrange the letters in the following legal terms; then match these terms with their definitions:**

1. IMCRE	a. the crime of killing another person deliberately and not in self-defense
2. EIOCUTEXN	b. the early release of a prisoner, conditioned on good behavior and regular reporting to the authorities for a set period of time
3. FEIN	c. an action prohibited by law
4. MDREUR	d. case brought to a law court
5. APLERO	e. somebody who is hurt or killed
6. OPTIRBNAO	f. a sum of money that somebody is ordered to pay for breaking a law or rule
7. UTIS	g. lawyers trying to prove somebody's guilt
8. SECOIUTPRON	h. the supervision of the behavior of a young or first-time criminal offender by a probation officer
9. CTIMVI	i. the killing of somebody as part of a legal or extralegal process

#### **1.5.3 Choose the word that best completes the sentence**

1) *Criminal / Civil* law is the branch of law that defines crimes, treats of their nature, and provides for their *probation / punishment*.

2) A *Criminal Code / Execution* is a compilation of government laws that outline a nation's laws regarding criminal offenses, and the maximum and minimum punishments that courts can *suit / impose* upon offenders when such crimes are committed (for example: vandalism, retail theft, theft of property etc.).

3) A *tort / crime* is a civil wrong committed against an individual; a *tort/ crime*, on the other hand, is regarded as an offense committed against the public, even though only one individual may have been wronged.

4) It'll be some weeks before your *offence / case* comes to trial.

5) A *penalty / supervision* is a legal or official punishment for committing a crime or other offense, e.g. a fine or imprisonment.

### 1.5.4 Complete the text with the words from the box

Penalties law	Roman enforcement	criminal codes	theft offences	civil
------------------	----------------------	-------------------	-------------------	-------

The first written \_\_\_\_\_ of law were produced by the Sumerians around 2100-2050 BC. Another important early code was the Code Hammurabi, which formed the core of Babylonian \_\_\_\_\_. Neither set of laws separated \_\_\_\_\_ codes and civil laws.

Law of the Twelve Tables, earliest code of \_\_\_\_\_ law, was formalized in 451-450 BC from existing oral law by ten magistrates and inscribed on tablets of bronze or wood, which were posted in the principal Roman Forum. The Twelve Tables covered all categories of the law and also included specific \_\_\_\_\_ for various \_\_\_\_\_. This code conflated the \_\_\_\_\_ and criminal aspects, e.g. treating \_\_\_\_\_ as a tort.

The first signs of the modern distinction between crimes and civil matters emerged during the Norman Invasion of England. The special notion of penalty, at least concerning Europe, arose in Spanish Late Scholasticism, when the theological notion of God's penalty became transfused into canon law first and, finally, to secular criminal law.

The development of the state provided justice emerged in the eighteenth century when European countries began maintaining police services. From this point, criminal law had formalized the mechanisms for \_\_\_\_\_, which allowed for its development as a recognized entity.

**SPEAKING**

**1.6 Read the questions and discuss them in the groups**

1. What is the difference between criminal and civil law?
2. Can an event be both a criminal and civil offence?
3. Can being present at the scene of a crime make you guilty?
4. What is the definition of "criminal trespass?"
5. What does the term "eluding a police officer" mean?
6. When is a person considered to be arrested?
7. Is the use of physical restraint or handcuffs always necessary? Give the examples.
8. In which of the following circumstances can a police officer arrest a person?
  - a) a police officer personally observes a crime
  - b) a police officer has a reasonable belief, based on facts and circumstances, that a person has committed or is about to commit a crime
  - c) a police officer suspects but is not sure that a person has committed or is about to commit a crime
  - d) a police officer receives a report of an armed robbery that has just occurred at a liquor store, then sees a man who matches the suspect's exact description running down the street near the store
  - e) an arrest warrant has been issued
  - f) a police officer has a reasonable belief, based on facts and circumstances, that a person has committed or is about to commit a crime, but he hasn't obtained a valid warrant to arrest this person.

**Writing**

**1.7 Write a short report on the main differences between a crime and a tort including the following points: the parties, the outcomes, the procedure, the standard of proof**

**1.8 Read and comment on the quotation**

***“Ignorance of the law excuses no man; not that all men know the law, but because it is an excuse every man will plead, and no man can tell how to confute him”***

*John Selden, English historian and a lawyer*

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**1.9 Match the following English words and expressions with their Ukrainian equivalents:**

- |   |                  |   |
|---|------------------|---|
| 1 | diverse sources  | a) бути виправленим   |
| 2 | summary offences | b) злочини, що переслідуються в порядку сумарного провадження |
| 3 | unifying factor  | c) обвинувачення  |
| 4 | to be remedied   | d) об'єднуючий чинник   |
| 5 | impartial jury   | e) різноманітні джерела                                       |
| 6 | accusation       | f) безпристрасний суд присяжних                               |

**1.9.1 Read the following text to understand what information is new for you and do the tasks below**

**Criminal law of England and the USA**

Criminal law in England derives from a number of diverse sources. The definitions of the different acts that constitute criminal offences can be found in the common law (murder, manslaughter, conspiracy to defraud) as well as in thousands of independent and disparate statutes and more recently from supranational legal regimes such as the EU. As the law lacks the criminal codes that have been instituted in the United States and [civil law](#) jurisdictions, there is no unifying factor to how crimes are defined, although there have been calls from the Law Commission for the situation to be remedied. Criminal trials are administered hierarchically, from magistrates' courts, through the [Crown Courts](#) and up to the [High Court](#). Appeals are then made to the [Court of Appeal](#) and finally the [House of Lords](#) on matters of law.

Procedurally, offences are classified as indictable and summary offences; summary offences may be tried before a magistrate without a jury, while indictable offences are tried in a crown court before a jury. The distinction between the two is broadly between that of minor and serious offences. At common law crimes are classified as either [treason](#), [felony](#) or [misdemeanor](#).

The way in which the criminal law is defined and understood in England is less exact than in the United States as there have been few official articulations on the subject. The body of criminal law is considerably more disorganised, thus finding any common thread to the law is very difficult. A consolidated [English Criminal Code](#) was drafted by the [Law Commission](#) in 1989 but, though codification has been

debated since 1818, [as of 2007](#) has not been implemented. Scotland has a completely separate legal system.

In the [United States](#), criminal prosecutions typically are initiated by [complaint](#) issued by a judge, or by [indictment](#) issued by a grand jury. Regarding the [felonies](#) in Federal court, the [Fifth Amendment to the United States Constitution](#) requires [indictment](#). The Federal requirement does not apply to the states, which have a diversity of practices. Three states (Connecticut, Pennsylvania, and Washington) and the District of Columbia do not use grand jury indictments at all. The [Sixth Amendment](#) guarantees a criminal defendant the right to a [speedy](#) and [public trial](#), in both state and Federal courts, by an impartial jury of the State and district wherein the crime was committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defense. The interests of the state are represented by a prosecuting attorney. The defendant may defend himself pro se, and may act as his own attorney, if desired.

**1.9.2 Divide the following sentences into two groups: those relating to the criminal law of England and those relating to the criminal law of the USA**

- 1) The law lacks the criminal codes.
- 2) The criminal codes have been instituted.
- 3) The defendant may defend himself pro se, and may act as his own attorney, if desired.
- 4) Offences are classified as indictable and summary offences.
- 5) The criminal law is not strictly defined and is rather disorganised.
- 6) Criminal prosecutions are initiated by [complaint](#) issued by a judge, or by [indictment](#) issued by a grand jury.
- 7) Different states have a diversity of practices.
- 8) The [Sixth Amendment](#) guarantees a criminal defendant the right to a [speedy](#) and [public trial](#)
- 9) The interests of the state are represented by a prosecuting attorney.
- 10) There is no common idea to how crimes are defined
- 11) Criminal trials are administered by magistrates' courts, [Crown Courts](#), [High Court](#) and the [Court of Appeal](#).

### 1.10 Writing

**This is a part of a letter that a 19-year old law student has sent to you**

*Dear .....*

*I've just found out that I've failed my exam in Criminal law. The question I had to answer was not very difficult: "The sources of criminal law in the USA". I was sure that it's worth speaking about precedent – and that's all, but the lecturerer wasn't satisfied with my answer and gave me bad mark; he even didn't explain what my mistake was. The good thing is that I will be able to retake the exam in two weeks, but I'm so scared to fail it again! What can I do? Please, help me!*

*Best regards*

*Mark Brown*

**Write him a letter giving your advice. Use the following useful expressions and the following plan**

#### **Useful expressions:**

**Start with:** I just got your letter; I think I can help you; I was sorry to hear about your problem.

**Giving advice:** You should...; Why don't you...? It would be a good idea...; The best thing you can do is...; I strongly advice you to...; Your mistake was...; If I were you, I'd...

**Finish with:** I hope this helps you; Let me know what happens; Hope this advice is of some help to you; Things will get better soon.

#### **Plan**

*Introduction:*

*Dear....*

*Para 1: Express sympathy*

*Main body*

*Para 2: Give your advice*

*Conclusion*

*Para 3: End the letter offering some encouragement*

### 1.11 Answer the following questions

1. What action can be considered as a crime?
2. What is the main difference between a tort and a crime?
3. What crimes are the gravest from the point of view of the Ukrainian law?

**1.12 Match the following English words and expressions with their Ukrainian equivalents:**

1. mens rea	a) бездіяльність
2. actus reus	b) на відміну від
3. injurious to society	c) намір
4. as distinguished	d) злочинний намір
5. be accomplished by	e) злочинна дія
6. omission	f) шкідливий для суспільства
7. intent	g) супроводжуватися (чимось)

**1.12.1 Read the following text to understand what information is new for you and do the tasks below**

**Definition and Elements of a Crime in English Law**

In English legal tradition crime is defined as an act or omission that violates the law and is punishable by the state. Crimes are considered injurious to society or the community, as distinguished from torts and breach of contract.

As defined by law, a crime includes both the act, or actus reus, and the intent to commit the act, or mens rea.

Actus reus is Latin for "guilty act" and is the physical element of committing a crime. It may be accomplished by an action, by threat of action, or exceptionally, by an omission to act. For example, a parent's failure to give food to a young child also may provide the actus reus for a crime.

Where the actus reus is a failure to act, there must be a duty. A duty can arise through contract, a voluntary undertaking, a blood relation with whom one lives, and occasionally through one's official position.

Mens rea is another Latin phrase, meaning "guilty mind." A guilty mind means an intention to commit some wrongful act. Intention under criminal law is separated from a person's motive. If Mr. Hood robs a rich Mr. Nottingham because his motive is to give the money to poor Mrs. Marion, his "good intentions" do not change his criminal intention to commit robbery.

Unless the act of which a defendant is accused is defined by statute as a crime, no indictment or conviction for the commission of such an act can be legally sustained.

**1.12.2 Answer the following questions using the information from the text**

1. What is a crime?
2. What does a crime include?
3. What is actus reus / mens rea?
4. Give an example of actus reus / mens rea.

**1.12.3 Complete the sentences using the information from the text**

1. Crimes are considered injurious to ...
2. Actus reus may be accomplished by ...
3. Where the actus reus is a failure to act...
4. A guilty mind means ...
5. Unless the act of which a defendant is accused is expressly defined by statute as a crime...

**1.13 Answer the questions:**

1. How are crimes classified in the Ukrainian legislation?
2. Have you ever witnessed any crime? What was it?

**1.13.1 Read the text to tell what information is new for you**

**Classification of Crimes**

Crimes are usually classified as treason, felony, or misdemeanor. The fundamental distinction between felonies and misdemeanors rests with the penalty and the power of imprisonment. In general, a misdemeanor is an offence for which a punishment other than death or imprisonment in the state prison is prescribed by law. The term "degree of crime" refers to distinctions in the culpability of an offense because of the circumstances surrounding its commission. Crimes are sometimes divided according to their nature into crimes mala in se and crimes mala prohibita; the former class comprises those acts that are thought to be immoral or wrong in themselves, or naturally evil, such as murder, rape, arson, burglary, larceny, and the like; the latter class embraces those acts that are not naturally evil but are prohibited by statute because they infringe on the rights of others. For example, in the United States, the power to define crimes and set punishment for them rests with the legislatures of the United States, the several states, and the territories, the principal authority being that of the individual states. This power in the states is restricted by the federal Constitution, e.g., in the Fourteenth Amendment and in prohibitions against acts of attainder (an act of attainder is a legislative declaration that a



particular individual is guilty of a crime) and against ex post facto laws (laws that retroactively declare certain actions to be criminal). State constitutions may also limit state legislative action. The courts cannot look further into the propriety of a penal statute than to ascertain whether the legislature has the power to enact it. Administrative rules may have the force of law, and violations of such rules are punishable as public offenses, provided that the legislature has made such violations misdemeanors.

**1.13.2 Are the following statements true or false according to the text above**

- 1) The fundamental distinction between felonies and misdemeanors is in the type of punishment.
- 2) The term "degree of crime" refers to distinctions in the culpability of an offense because of the person committing this crime.
- 3) Crimes mala in se are thought to be naturally evil.
- 4) Crimes mala prohibita include murder, rape, arson, burglary, larceny etc.
- 5) In the United States, the power to define crimes and set punishment for them rests with the judiciary of the United States
- 6) The federal Constitution restricts the power of the state to define laws.
- 7) State constitutions may also limit state legislative action.
- 8) The violations of administrative rules are not punishable as public offenses.

***Vocabulary focus***

**1.14 Using the information from the text above, give the definitions to the following legal terms:**

- a misdemeanor
- a degree of crime
- crimes mala in se
- crimes mala prohibita
- an act of attainder
- ex post facto laws

**1.14.1 In the text above find the crimes which are:**

- against people;
- against property;
- against state.

### 1.14.2 Choose the words which best complete the text below

The criminal law generally prohibits undesirable 1)\_\_\_\_\_. Thus, proof of a 2)\_\_\_\_\_ requires proof of some act. Scholars label this the requirement of an actus reus or 3)\_\_\_\_\_ act. Some crimes require no more, and they are known as strict liability offenses. Nevertheless, because of the potentially severe consequences of criminal conviction, judges at common law also sought proof of an 4)\_\_\_\_\_ to do some bad thing, the 5)\_\_\_\_\_ rea or guilty mind. As to crimes of which both actus reus and mens rea are requirements, judges have concluded that the elements must be present at precisely the same moment and it is not enough that they occurred sequentially at different times.

- |             |               |             |
|-------------|---------------|-------------|
| 1) a. acts  | b thoughts    | c. words    |
| 2) a. law   | b. indictment | c. crime    |
| 3) a guilty | b. motive     | c. innocent |
| 4) a. crime | b. intent     | c. wrongful |
| 5) a. Actus | b. Mens       | c. Reus     |

### 1.14.3 Complete the extract below using the verbs in the box. There are two extra ones you do not need to use

are tried/	is committed/	is committed/	is fined /	is punished /
	is put	is resolved/	was caused	

A crime is a wrong which 1).....against society. The wrongdoer 2).....: he or she 3).....in prison or 4)..... a sum of money. A tort, on the other hand, is a wrong which 5).....against an individual. The injured party-can sue the wrongdoer and receive damages from the court. Criminal sanctions exist to make society safer and to keep people from committing certain acts. Tort remedies exist to make the injured party whole again for the harm which 6).....by the wrongdoer. A key difference between the two is that a crime requires a criminal intent, whereas a tort can result without intent to cause harm on the wrongdoer's part.

### 1.15 Render into English:

Злочини в кримінальному праві підлягають класифікації в залежності від ступеня вини, мети, покарання, яке може бути за нього призначено, стадії скоєння злочину тощо. Відповідно до ч.1 ст. 11 КК України, злочин є

суспільно небезпечне винне діяння (дія чи бездіяльність), вчинене суб'єктом злочину. Під дією розуміється активна, свідома та суспільно небезпечна поведінка, а під бездіяльністю — невчинення винною особою певних дій, які вона мала вчинити за даних обставин.

### **GRAMMAR FOCUS: Modal verbs**

**1.16 Write what the following people *can/must* do:** a judge, a prosecutor, a lawyer, a lawmaker, an investigator, a criminologist.

#### **1.16.1 Translate the following sentences into English using *can*:**

1. Вона не може пояснити, чому вони подали апеляцію до Верховного Суду. 2. Він може найняти адвоката. 3. Де тут можна знайти поліцейський відділок? 4. Ти зможеш перекласти текст правил голосування на президентських виборах? 5. Завтра я буду вільний і зможу тобі допомогти знайти інформацію кримінальне право Великобританії.

#### **1.16.2 Make up sentences with *may* using the following words and word combinations**

Example: to touch the gun — May I take the gun?

To come into the courtroom, to read the report of the decision of the Constitutional Court, to take part in lawmaking, to watch the questioning of the accused, to use one's evidence, to speak to the prisoner.

#### **1.16.3 Translate the following sentences into English using *may*:**

1. Можна поговорити зі свідком злочину? 2. Слідчий говорить, що я вже вільний. 3. Коли мені дозволять поговорити з адвокатом? 4. Чи може підозрюваний позвонити родичам? 5. Чи можна його звільнити під заставу?

#### **1.16.4 Give a piece of advice using modal verb *should***

*E.g. She saw her neighbor burying a body (to call the police). – She should call the police immediately.*

1. He was ill and missed the lecture in Criminal Law (to study the material himself). 2. She doesn't know the Constitution of her country and wants to be a lawyer (to study the Constitution) 3. The students are unable to follow what the lecturer is saying (not to speak so fast). 4. Her English is bad (to practice more). 5. He recognized the criminal (to tell the investigator )

**1.16.5 Tell a person that he should (shouldn't) have done the following**

*E.g. A student went to the restaurant spending a lot of money and he doesn't have any to pay for his English courses now. He should not have gone to the restaurant and spent so much.*

1. He forgot to tell the investigator some facts about the scene of the crime he had seen. 2. He came to the University at 8 o'clock in the morning and his first lecture starts at 9.40 o'clock. 3. He didn't tell his group mates that the first lecture was cancelled. 4. It's time to hand in the course paper in Criminal law to the lecturer but a student have done only a half of it.

**Unit 2. Crime Investigation**

**2.1 Answer the following questions:**

1. What is meant by investigation in the Criminal-Procedure Code of Ukraine?
2. What is the main task of forensic science?

**2.2 Match the following English words and expressions with their Ukrainian equivalents:**

1. Subdivision	a) свідчення свідків
2. DNA profiling	b) аналіз ДНК
3. crime lab	c) аналіз за допомогою мікроскопа
4. testimonial	d) криміналістична
5. evidence	e) лабораторія
6. microscopic examination	f) підрозділ, сфера
7. court appearance	g) виступ в суді

**2.2.1 Read the text to understand what information on crime investigation is new for you**

**CRIME INVESTIGATION: FORENSIC SCIENCE**

Forensic science and scientific expertise serves the administration of justice by providing scientific support in the investigation of crime and providing evidence to the courts.

When a crime is reported to the police, patrol officers are usually the first to arrive at the scene. They perform the initial investigation; fill out the forms, such as the complaint; interview witnesses; make an arrest if there is a suspect. If a crime requires expert investigation, detectives are called in. The detective's first task

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usually is to examine the facts in order to determine whether a crime has actually been committed and whether further investigation is required. If a full investigation is initiated, detectives collect evidence, interview witnesses and victims, contact informants. After an arrest is made, investigative work is extremely important to the outcome of a court case. Case preparation includes reviewing and evaluating all evidence and reports on the case; re-interviewing witnesses and assisting in their preparation for court appearances; and preparing the final report.

Legal detectives and investigators in common-law countries have a wide variety of techniques available in conducting investigations. However, the majority of cases are solved by the interrogation of suspects and the interviewing witnesses, which takes time. Besides interrogations, detectives may rely on a network of informants they have processed over the years. Informants often have connections with persons a detective would not be able to approach formally. The best way is to obtain a confession from the suspect, usually this can be done in exchange for entering plea bargain for a lesser sentence. Evidence collection and preservation can also help in identifying a potential suspect.

Criminalistics as a subdivision of forensic science is the application of various sciences to answer questions relating to examination and comparison of different types of evidence in criminal investigations. Typically, evidence is examined in a crime lab.

A Crime Laboratory (often Crime Lab), is a scientific laboratory where scientists examine evidence from a criminal case. A typical crime lab has two sets of personnel. These are the investigators who go to crime scenes and collect evidence and process the scene. The second type of personnel in a crime lab is the people who run experiments on the evidence once it is brought to the lab.

Each type of evidence has a specific value in an investigation. Evidence used to resolve an issue can be split into 2 areas. The testimonial evidence refers to any witnessed records of an incident. The physical evidence is any material item that is on the crime scene. How will evidence collected at a scene do for the investigation:

- May prove that a crime has been committed.
- Establish any key elements of a crime.
- Link a suspect with a scene or a victim.
- Establish the identity of a victim or suspect.
- Confirm verbal witness testimony.
- Release the innocent.

Among the identification methods there are fingerprinting, DNA profiling and microscopic examination.

**2.2. 2 Answer the following questions using the information from the text**

1. What is the principle objective of forensic science and scientific expertise?
2. What does an initial investigation include?
3. What may detectives rely on?
4. What is a crime lab?
5. What are two types of evidence? What is physical evidence?
6. In what way does evidence help in an investigation?

**2.2.3 Complete the following sentences according to the information from the text**

1. Forensic science serves...
2. Majority of criminal cases are solved by...
3. When a detective has a suspect in mind the next step is...
4. Evidence from a criminal case is usually examined in...
5. In a crime laboratory staff there are investigators who... and...
6. Evidence collected at a scene of a crime helps to...

*Vocabulary focus*

**2.3 Match the following legal terms with their definitions:**

1. confession	a) the judgement of a criminal court stating what punishment is to be given to a person
2. testimony	b) questioning witnesses
3. sentence	c) witness's statement under oath
4. interrogation	d) objects, statements, documents which help to show how a crime happened
5. evidence	e) declaration (of one's guilt)

**2.3.1 Give the English equivalents for the following word combinations and make up your own sentences with them:**

Допит свідків, отримати визнання, скоїти злочин, підтвердити свідчення, звільнити невинного, встановити ідентичність, місце злочину, представити речові докази, перевірити докази, підозрюваний.

### 2.3.2 Insert one of the following words into the text in an appropriate form

#### What Makes an Investigator?

*instinct, competent, search, intelligence,  
field-criminalist, witnesses, fingerprints, evidence*

Investigation means a .... That's why the duty of an investigator is to search for the truth, for the offender, for ... who help to reconstruct the event and will present evidence of it in court.

The duties of the investigator together with the ... are to find, to collect and to protect evidence, such as ..., footprints, and other traces of the criminal act.

Every good investigator should be intelligent, ..., patient, tactful, composed, and persistent, but he should be firm if it is necessary. He must also possess special investigative aptitudes and professional .... The quick and accurate solution of crime depends largely on the personal efforts. It also depends on his education, his ... and his decision-making judgments.

#### *Speaking*

#### **2.4 Work in groups:**

1. Discuss what the necessary aspects are to be considered in the investigation of a crime? Use key words: *scene, evidence, witness, informant, to rely on, to collect, to arrest, to question.*

2. What is the main function of a crime laboratory?

3. What questions of investigation does a scientific lab help to answer?

4. Why is an investigation of a crime scene so important?

5. Explain in other words what testimonial evidence is.

6. Is there any link between IQ and crime?

7. A crime was reported last night. Look at the list of the objects *picture frame, CD, purse with cash, golden bracelet*, then in pairs decide how these objects are related to the incident reported.

What do you think could have happened? Use modal verbs in the meaning of assumption.

8. To obtain testimonial evidence an investigator has to deal with different types of people. Here are some psychological types of witnesses indicated in scientific literature: 1) *honest and cooperative witness*; 2) *silent, know-nothing, or uninterested witness*; 3) *hostile and deceitful witness*; 4) *timid or bashful witness*; 5) *talkative or boastful witness*; 6) *“under the influence” witness*. Try to characterize

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these types of witnesses. Explain why it is difficult/ easy/ necessary/ important to interrogate each type of witnesses.

**GRAMMAR FOCUS: *Modal verbs and their equivalents***

**2.5 Give instructions to a young specialist how he should carry out an interrogation and what he should not do to get necessary information using the following key-expressions:**

- to collect information (suspect: name, age, criminal history)
- to find out (a suspect, at a scene of a crime)
- to be a good listener
- to control emotions
- to hurry
- to show sympathy
- to blame society
- to be friendly
- to offer cigarettes
- to observe physical reaction
- to let the suspect tell...without interruption
- to confront with physical evidence
- to lie (physical evidence has been found...)
- to use unexpected questions
- to tell that anybody could do the same in the similar situation

**2.5.1 Translate the following sentences into English using appropriate modal verbs or their equivalents:**

1. Він може найняти адвоката. 2. Де тут можна знайти поліцейський відділок? 3. Завтра я буду вільний і зможу тобі допомогти знайти інформацію кримінальне право Великої Британії. 4. Можна подивитись відбитки пальців? 5. Слідчий говорить, що я вже вільний. 6. Він, можливо, працює адвокатом. 7. Поліцейський зміг заарештувати небезпечного злочинця вчора. 8. Не може бути, щоб він вбив свою дружину. 9. Йому слід було викликати поліцію. 10. Вона змушена була звернутись до поліцейського відділку, щоб повідомити про крадіжку. 11. Не може бути, щоб вона вбила свого чоловіка. 12. Може він і пограбував банк, хоча навряд чи. 13. Слідчий, напевно, допитує зараз свідків. 14. Вони напевно обшукують зараз будинок. 15. Не може бути, щоб він пограбував банк. 16. Напевно, вона знає вбивцю.



## Module 11. Court Trial

### Unit 1. Trial in the UK and USA

#### 1.1 Answer the following questions

1. What does a trial begin with?
2. Does a defence counsel have a right to be present at all stages of a trial?
3. Why do you think most accused criminals choose a jury trial in the legal systems where jury is used in criminal proceedings?
4. What is the principle of a jury selection?

#### 1.2 Match the following English words and expressions with their Ukrainian equivalents:

1. to initiate prosecutions	a) звільнити присяжних
2. contentious case	b) призначити покарання
3. to be empowered	c) мати право, повноваження
4. to detain in custody	d) тримати під арештом
5. charge	e) оголосити перерву в суді
6. to free on bail	f) звільнити під заставу
7. to remand	g) повернути під варту
8. writ of habeas corpus	h) судовий наказ про захист недоторканності особи від свавільного арешту
9. to apply for a writ	i) просити про винесення судового наказу
10. to show beyond reasonable doubt	j) довести поза розумним сумнівом
11. to discharge the jury	k) розпочати судове переслідування
12. to adjourn the court	l) обвинувачення
13. impose a penalty	m) спірна справа

#### 1.2.1 Read the following text Court Procedure in the UK (Criminal Cases) and be ready to answer the following questions

1. By whom are prosecutions usually initiated?
2. Can a private citizen institute criminal proceedings?
3. Who is empowered to make an arrest?
4. Can a person be detained in custody without a charge? For how long?
5. Once charged, can a defendant be freed? On what condition?

6. Who decides the issue of bail?
7. Are the accused usually freed on bail in serious cases?
8. In what cases can the detained person apply for a writ of habeas corpus?
9. Is a person assumed guilty after arrest?
10. What must the prosecution show in court?
11. In what cases is a legal adviser provided at public expense?
12. Are all criminal cases heard in open court?
13. Can the accused be cross-questioned by the prosecution?
14. Why is an English trial considered to be a contest?
15. What is the task of the judge in such a contest?
16. When do the jury begin to consider the verdict?
17. What takes place if the jury arrive at a verdict of «not guilty»?
18. What does the judge do if the accused is found guilty?

Although it is possible for any private citizen to institute criminal proceedings, in practice prosecutions are usually initiated by the police. In serious or contentious cases details are sent to the Director of Public Prosecutions, and it is he who decides whether the case should be proceeded with or not.

Arrests are usually made by police officer. A person can be detained in custody without charge for up to ninety six hours. Once charged a defendant can be freed on bail, although if the police consider that he or she might disappear they are entitled to object to bail, and ask that the defendant be kept in custody. The decision however, is left to the magistrate. If a person is freed on bail, securities must be given, either by the accused or by someone acting for him or her. In serious cases the accused is usually remanded until the case against him or her has been prepared. If a person who is detained considers that this detention is unlawful he or she can apply for a writ of habeas corpus which requires that cause for the detention is shown before the court.

English criminal law assumes that a person is innocent until proved guilty. It is the responsibility of the prosecution to show beyond any reasonable doubt that the defendant has committed the offence of which he or she is accused. If this cannot be done a verdict of not guilty must be returned. Everyone accused of an offence has the right to employ a legal adviser to present the case, and if he or she cannot afford to do so he or she can be provided with legal aid at public expense. All criminal trials, with a few exceptions, such as those involving official secrets, are heard in open court, and the trial is conducted according to strict rules of procedure. All evidence must be given in the presence of the accused, and the defendant, or his or her counsel, has the right to question all the witnesses. The prosecution may also question the defense

witnesses, but they cannot cross-question the accused, unless he or she decides to go into the witness-box.

As the terms «prosecution» and «defense» suggest, an English trial is a contest, in which both sides try to convince the jury that the case which they are presenting is the truth. The judge acts as referee in this contest, and when one side thinks that its opponents are breaking the rules it can appeal to the judge for a ruling. The judge's powers of interference are limited, and he or she may only intervene in order to advise on a point of law, or to clarify an obscure point.

After the prosecution and defense have concluded their cases, and both sides have presented their final speeches, it is the judge's duty to sum up. In the summing up speech the judge is expected to outline the case and explain the legal issues involved to the jury. Once the judge has summed up, the jury consider their verdict, and in serious cases this can take quite a long time. Should it become apparent that the jury cannot decide on a verdict they will be discharged and a new jury will be selected to hear the trial all over again. If a verdict of not guilty is arrived at the accused is freed at once. If he or she is found guilty it is the judge's responsibility to pronounce a sentence. This may be done at once, or the judge may in certain circumstances adjourn the court so that he or she has time to consider what penalty should be imposed.

### *Vocabulary focus*

#### **1.3 Match the English nouns and noun phrases with their Ukrainian equivalents:**

- |                         |                              |
|-------------------------|------------------------------|
| 1. criminal proceedings | a) ордер на арешт            |
| 2. prosecution          | b) спірна справа             |
| 3. contentious case     | c) судове переслідування     |
| 4. warrant              | d) карне переслідування      |
| 5. custody              | e) юрисконсульт, адвокат     |
| 6. detention            | f) розумний сумнів           |
| 7. reasonable doubt     | j) затримання, арешт         |
| 8. legal adviser        | k) ув'язнення                |
| 9. legal aid            | l) доказ; свідчення          |
| 10. open court          | m) юридична допомога         |
| 11. evidence            | n) відкрите судове засідання |

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- |                  |                             |
|------------------|-----------------------------|
| 1. the accused   | a) змагання                 |
| 2. the defendant | b) свідок                   |
| 3. witness       | c) підсудний, відповідач    |
| 4. contest       | d) обвинувачений; підсудний |
| 5. point of law  | e) покарання                |
| 6. ruling        | f) неясне питання           |
| 7. obscure point | j) питання права            |
| 8. penalty       | k) постанова суду           |
| 9. legal issue   | l) застава                  |
| 10. trial        | m) вирок, рішення суду      |
| 11. sentence     | n) правове питання          |
| 12. bail         | o) судовий розгляд          |

**1.3.1 Match the English verb phrases with their Ukrainian equivalents and make up your own sentences with them:**

- |  |  |
|--|--|
| 1. to institute criminal proceedings     | 1. обвинуватити особу в                  |
| 2. to initiate prosecution               | 2. тримати під арештом                   |
| 3. to detain in custody                  | 3. розпочати судове переслідування       |
| 4. to charge a person (with)             | 4. порушити кримінальну справу           |
| 5. to free on bail                       | 5. просити про винесення судового наказу |
| 6. to give securities                    | 6. повернути особу під варту             |
| 7. to remand a person                    | 7. звільнити під заставу                 |
| 8. to apply for a writ                   | 8. надати гарантії                       |
| 9. to prove a person guilty (not guilty) | 9. довести поза всяким розумним сумнівом |
| 10. to prove beyond any reasonable doubt | 10. довести, що особа винна (невинна)    |

\* \* \*

- |  |   |
|--|---|
| 1. to commit an offence                        | 1. найняти юрисконсульта                              |
| 2. to return a verdict                         | 2. вчинити злочин                                     |
| 3. to employ a legal adviser                   | 3. винести вердикт                                    |
| 4. to provide with legal aid at public expense | 4. забезпечити юридичною допомогою за рахунок держави |
| 5. to hear a case in open court                | 5. вести судове засідання                             |
| 6. to conduct a trial                          | 6. слухати справу у відкритому судовому засіданні     |

- |                                   |                        |
|-----------------------------------|------------------------|
| 7. to give evidence               | 7. порушити правила    |
| 8. to question witnesses          | 8. опитувати свідків   |
| 9. to break the rule              | 9. втручатися у процес |
| 10. to intervene in the procedure | 10. давати свідчення   |

\* \* \*

- |  |   |
|--|---|
| 1. to clarify an obscure point             | 1. звільнити присяжних                      |
| 2. to outline the case                     | 2. внести ясність у неясне питання          |
| 3. to consider the verdict                 | 3. розглядати вердикт                       |
| 4. to discharge the jury                   | 4. викладати коротко суть справи            |
| 5. to arrive at a verdict                  | 5. визнати обвинуваченого винним (невинним) |
| 6. to free the accused                     | 6. досягти згоди по вердикту                |
| 7. to find the accused guilty (not guilty) | 7. звільнити обвинуваченого                 |
| 8. to pronounce the sentence               | 8. призначити покарання                     |
| 9. to adjourn the court                    | 9. оголосити міру покарання                 |
| 10. to impose a penalty                    | 10. оголосити перерву в суді                |

#### 1.4 Answer the following questions

1. What American films on trial have you watched?
2. What happens during trial in the USA?

#### 1.5 Match the following English words and expressions with their Ukrainian equivalents:

1.felony charges	a) обирати жеребом або випадково
2.to select by lot or chance	b) обвинувачення у скоєнні тяжкого злочину
3.circumstantial evidence	c) непрямий доказ
4.closing arguments	d) докази на користь
5.applicable points of law	e) застосовані питання права
6.favourable evidence	f) заключні дебати сторін

### **1.5.1 Read the text to understand what information is new for you**

#### **TRIAL IN THE USA**

The USA's common law heritage makes it possible for all the states to follow in criminal trials a set of procedures. They have developed over centuries.

It is the function of the trial court to find and express the judgement, under law as to the guilt or innocence of an accused person. Defendants who plead not guilty to felony charges can opt for either a jury or a bench trial. In most cases, a defendant chooses to stand trial before a judge sitting alone. It is called a bench trial.

If he chooses a jury trial the first step is the jury selection (which is called the petit jury). Jury members are ordinarily selected by lot or chance, from a master list of persons in the community where the trial will take place.

After a jury has been seated, the trial begins with an opening statement by a prosecutor, which is an attempt to tell the jury what crime the defendant is charged with. The defence may then make its own opening statement.

Then the prosecutor presents his or her evidence against the defendant – physical evidence such as fingerprints; testimonial evidence of witnesses or experts; eyewitness evidence; and any circumstantial evidence. This is done by calling witnesses and questioning them (direct examination).

After each witness for the prosecution has testified, defence counsel may carry out a cross-examination in order to test the truth of what each witness says. The prosecution then is allowed to question the witnesses again on redirect examination in order to give the witnesses an opportunity to clarify any issues raised in the cross examination.

At the next stage (defense case-in-chief) the defendant through his attorney introduces witnesses or other evidence that favour the defendant's claim of being not guilty. The defence may begin with opening statements. Then all the defence witnesses are examined and cross-examined. There may be some further witnesses called by both sides.

At this point a recess is taken in the proceedings to allow the judge to prepare instructions to the jury, and the attorneys of both prosecution and defence prepare their closing arguments. In their closing arguments, the two opposing lawyers present a summary of their case to the jury, emphasizing the evidence that is most favourable to their side.

After the closing statements the judge instructs the jury in the applicable points of the law, in the nature and meaning of evidence they have seen or heard. Then the jury retires to a private room to deliberate the guilt or innocence of the accused. If the

agreement is reached, they return to the courtroom where their decision will be announced.

The defendant is asked to stand to hear the verdict of the jury. The judge is then to determine the sentence. If the jury cannot reach a verdict the judge declares a mistrial. If this happens, the defendant may be tried for the same offence again before a different jury. If the defendant is found not guilty by the jury he is acquitted. If the verdict is guilty the defence counsel brings out those facts which should be considered by the court before the sentence is announced by the judge.

In a case tried before a judge sitting alone, the decision of the judge constitutes a termination of the trial.

### **1.5.2 Answer the following questions according to the text:**

1. What is the role of the prosecutor at trial?
2. What is the role of the defence counsel?
3. How is a jury's verdict reached?

### **1.5.3 Write your summary to the text "Trial in the USA"**

#### *Vocabulary focus*

#### **1.6 Find the odd word out:**

1. Defendant – convict – accused – prosecutor;
2. Defendant – defence counsel – prosecutor – judge – law;
3. Evidence – witness – experts – not guilty;
4. Indictment – verdict – sentence – arrest.

#### **1.7 Speaking**

Inform a school graduate who wants to become a lawyer about criminal trial proceedings paying attention to differences in court proceedings of Ukraine, Britain and the USA.

#### **1.8 Grammar points: Conditional Sentences**

##### **1.8.1 Open the brackets using the appropriate forms of the verbs**

1. If she (to require) legal advice in the future she will have to go to a legal adviser. 2. She has lost the case. But if she (to go) to a defense lawyer she would have not lost it. 3. If you (to approach) a barrister directly you will be sent to a solicitor. 4. If he passes the examination set by the Council of legal Education he (to become) a barrister. 5. If he (to have) money he (hire) a good barrister. 6. If he (not

to left) his fingerprints on the gun the police (not to find) him. 7. If a mother (not to leave) her child alone in the street the kidnappers (not to kidnap) him.

## Unit 2. Court Etiquette

### 2.1 Answer the following questions

1. Why is it important to behave properly in a courtroom?
2. Where can people find information on court etiquette?

### 2.2 Match the following English words and expressions with their Ukrainian equivalents:

1. objection	a) вимоги
2. requirements	b) заперечення
3. appropriately	c) перебувати
4. to address	d) належним чином
5. to interrupt	e) позивач
6. litigant	f) звертатися

### 2.3 Read the text and be ready to tell what rules about court etiquette V. Dearing offers her students from her years of experience as an attorney

Etiquette is essential for making a good impression. This is especially true in the courtroom, where there are many stated, and unstated, rules of conduct for litigants, attorneys, jurors, and other attendees.

Legal professionals begin their lessons on the fine points of courtroom etiquette during their education. It is in their legal studies they can learn about the professional requirements of their careers. Vicki Dearing, Legal Studies program director at South University, Montgomery, offers her students insights into courtroom etiquette from her years of experience as an attorney. She recalls the basic etiquette rules she learned as a law student.

Etiquette Rule No. 1: The judge not only represents the ultimate authority in the court, but also the law. This is why when a person addresses the court, the judge is the main focal point. “As a law student, the first thing I learned about courtroom etiquette was when the judge entered the courtroom you stood up and did not sit down until he/she did,” Dearing says. “The next thing I learned was when you first addressed the court you would say, ‘May it please the court, my name is Vicki Dearing...’ and then you told the judge the name of your client and stated the business you had before the court that day.”



Legal professionals are also guided by legal ethics and rules of professional conduct. They are ethically bound to be truthful to the court.

Lawyers, clients, witnesses, and jurors must observe courteous and orderly behavior. Some of the basic courtroom etiquette rules require people to be on time; be polite to the judge, opposing counsel, and court staff; and dress appropriately.

Other etiquette rules include asking permission to approach a witness and remaining courteous when disagreeing with the judge's ruling on an objection or motion.

"Litigants should address the court as 'your honor,' and respond to any 'yes,' or 'no' questions with a sir or ma'am following the response," Dearing says. "Often, if the judge has particular requirements of the litigants, for example no cell phone in the courtroom, the signs will be posted when you come through security."

"In terms of litigants before the court, I always tell my clients to tell the truth if asked a question; be early; get a haircut if necessary; wear nice clothes – a collared shirt for men and they must tuck in their shirt and wear a belt," Dearing says.

Good manners and proper courtroom etiquette may determine whether a party will win or lose a case.

#### Basic Courtroom Etiquette Rules

Wear clothing that would be appropriate for business.

Arrive on time.

Turn off electronic devices and cell phones before entering the courtroom.

Be polite to the judge, opposing counsel, and court staff.

Rise when the judge and jury enter and leave the courtroom.

Stand when speaking to the judge, making or meeting an objection, or questioning a witness.

Do not interrupt others while they are talking.

Refer to the judge as "Your Honor."

### Vocabulary focus

#### 2.4 Fill in the blanks using the correct word

#### Lies / protocols / addressing / All rise

There are a large number of 1\_\_\_\_\_when appearing in court. For example, when the clerk says 2\_\_\_\_\_ everyone stands up. After being sworn in, a person is then under oath. If a person 3\_\_\_\_\_under oath, he or she risks being charged with perjury. There are also rules for 4\_\_\_\_\_the judge.

**2.4.2 Choose the word that is closest in the meaning to the underlined part:**

1. When the judge arrived, the clerk said, 'Everyone, stand up!'  
A. approach the bench B. All rise C. "Your Honor."
2. The prosecutor stood in the area in front of the bench to give his argument  
A. bench B. protocol C. well
3. It is important for people to know the proper rules and traditions for attending court  
A. oaths B. protocols C. records
4. When Miss Ashley was on the witness stand she was made to promise to tell the truth  
A. off the record B. sworn in C. interrupted
5. The attorney was annoyed when the witness stopped her from talking by asking a question  
A. approached the bench B. addressed C. interrupted

**2.5 Render into English**

Судовий етикет є невід'ємною частиною культури правосуддя, служить авторитету судової влади. Закон про статус суддів встановив символи судової влади: Державний прапор на будівлі суду; зображення Державного герба і Державний прапор в залі судових засідань; мантиї, в які одягаються судді при здійсненні правосуддя.

Забезпеченню урочистості правосуддя, охороні і підтримці авторитету судової влади служать правила судового етикету.

Судовий етикет - це сукупність правил поведінки суб'єктів судового процесу, регулюючих взаємини між судом і особами, що беруть участь в справі. Судовий етикет сприяє створенню атмосфери необхідної урочистості при відправленні правосуддя, вихованню пошани до судової влади, до закону, який вона представляє.

Головуючому (або складу суду) надано право видалити порушника порядку із залу судового засідання, а в деяких випадках може штрафувати.

Під час проголошення вироку всі присутні в залі судового засідання, не виключаючи складу суду, вислуховують вирок стоячи.

Всі звернення один до одного при спілкуванні суддів і осіб, що беруть участь в справі, повинні проводитися у ввічливій формі. Суддя, прокурор, адвокат повинні піклуватися про те, щоб їх зовнішній вигляд, одяг відповідали обстановці, відповідній місцю, де здійснюється правосуддя, слід стежити за своїми позами та жестикуляцією.

### ***Grammar Focus: construction “I wish”***

#### **2.6 Open the brackets using “I wish”**

1. She wishes (to be) a wonderful advocate. 2. He wishes (not to rob) last week. 3. I wish I (to know) Patent Law of the USA. 4. He wishes he (not to drink) alcoholic drinks before going to the party yesterday. 5. He wishes (not to break) the American Law. 6. They wished they (not to see) that horrible scene. 7. The unfortunate student wished he (not to forget) to study the court system of the USA. 8. He wishes he (to appeal) that case last winter. 9. I wish I (to consult) a defense lawyer yesterday. 10. He is a tractor driver. He wishes he (to be) a defense lawyer.

## **Module 12. International law**

### **Unit 1. The Nature and Development of International Law**

#### **1.1 Answer the following questions**

1. What do you know about international law?
2. What does international law regulate?

#### **1.2 Match the following English words and expressions with their Ukrainian equivalents:**

1. long-standing customs	А. юридична особа
2. belligerent	В. давні звичаї
3. international tension	С. правозастосування міжнародного права
4. enforcement of international law	Д. воююча сторона
5. legal entity	Е. міжнародне напруження

### **1.3 Read the text to understand what information is of primary importance or new for you**

#### **International Law**

International Law means principles, rules, and standards that govern nations and other participants in international affairs in their relations with one another. International law is the law of the international community. No single nation can create or modify international law. No statute of one nation or treaty between two nations can create global obligations. International law is not created, developed, or abolished by the demand of one country or a small group of countries. It exists as a result of the common consent and general acceptance of many nations. Most international law consists of long-standing customs, provisions agreed to in treaties, and generally accepted principles of law recognized by nations. Some international law is also created by the rulings of international courts and organizations.

The rules of international law are generally divided into laws of peace, of war, and of neutrality. Peace is considered the normal relationship between nations. The laws of peace define the rights and duties of nations at peace with one another. Each country has a right to existence, legal equality, jurisdiction over its territory, ownership of property, and diplomatic relations with other countries. Many of the laws of peace deal with recognizing countries as members of the family of nations and recognizing new governments in old nations. War is still recognized under traditional international law. Warring states are called belligerents. The laws of war provide definite restrictions on methods of warfare. Under international law, belligerents are forbidden to move troops across neutral territory. Neutral waters and ports must not be used for naval operations.

The purposes of international law include resolution of problems of a regional or global scope (such as environmental pollution or global warming), regulation of areas outside the control of any one nation (such as outer space or the high seas), and adoption of common rules for multinational activities (such as air transport or postal service). International law also aims to maintain peaceful international relations when possible and resolve international tensions peacefully when they develop, to prevent needless suffering during wars, and to improve the human condition during peacetime.

Enforcement of international law is often difficult because nations are sovereign powers that may put their own interests ahead of those of the international community. Enforcement may be effectively achieved through the actions of individual nations, agencies of international organizations such as the United Nations (UN), and international courts. The United Nations Security Council can authorize

economic sanctions, diplomatic sanctions, or military force to maintain or restore international peace and security.

International law began as a system governing the relations among sovereign states, and states have always been the primary legal entities affected by international law. As the global system has become more complex, however, international law has come to recognize and regulate international organizations, businesses, nonprofit entities, and individuals. The emergence of international human rights law and, more recently, international criminal law reflects the fact that individuals today are direct subjects of international law in certain respects.

**1.3.1 Give the definitions for the following terms and expressions or explain in other words:**

1. international law;
2. long-standing customs;
3. enforcement of international law;
4. sovereign state;
5. diplomatic relations.

**1.3.2 Answer the following questions using the information from the text:**

1. What is the definition of international law?
2. What is international law aimed at?
3. How is international law implemented?
4. What are the subjects of international law?
5. What is the division of the rules of international law?

**1.3.3 Complete the following sentences according to the information from the text:**

1. International law is the law ...
2. Some international law is also created by ...
3. International law also aims ...
4. Enforcement may be effectively achieved through ...
5. International law began as a system ...
6. The rules of international law are generally divided into laws ...
7. The emergence of international human rights law and, more recently, international criminal law reflects the fact that individuals today ...
8. Under international law, belligerents are forbidden ...

### **VOCABULARY FOCUS**

#### **1.4 Substitute the words in italics with the words from the text above**

1. The *aims* of international law include resolution of problems of a regional or global scope.
2. International law consists of long-standing customs, provisions agreed to in different *covenants*.
3. Enforcement of international law is often difficult because nations are *independent* powers.
4. International law is not *founded*, developed, or abolished by the demand of one country or a small group of countries.
5. No statute of one nation or treaty between two nations can create global *commitments*.
6. Some international law is also created by the rulings of international *tribunals* and organizations.

#### **1.4.1 Give the Ukrainian equivalents for the following word combinations and make up your own sentences with them:**

international affairs, provisions agreed to in treaties, rulings of international courts, environmental pollution, adoption of common rules, to maintain peaceful international relations, legal equality, enforcement of international law, ownership of property, international organizations, recognizing countries, legal entities.

#### **1.4.2 Fill the blanks with the derivatives of the words in brackets**

##### **Violations of International Law**

- Japan ... international law in 1941 by attacking Pearl Harbor without first declaring war. (*violation*)
- Germany broke international law during World War 2 when the German ...killed millions of European Jews and forced slave laborers from other European countries to work in German war factories. (*to govern*)
- Reports were given to the United Nations about the cruel ... of many UN prisoners of war by the Chinese Communists and North Koreans in the Korean War (1950-1953). (*to treat*)
- In 1990, during the crisis that resulted in the Persian Gulf War, Iraq broke international law by ... foreign hostages as “human shields” to discourage attacks against military and industrial sites. (*to use*)

**1.4.3 Fill in the gaps with the appropriate forms from the table.****Enforcement of International Law**

After a ... (1) body passes a law for a nation or a state, police ... (2) the laws, and people who break ... (3) are tried in courts. However, there is no international legislature to pass rules that all nations are required ... (4). Neither is there an international police force ... (5) countries obey international law. As a result, it is often difficult to enforce international law.

International law ... (6) in three groups, according to how many nations accept them. *Universal international law* ... (7) the rules ... (8) by all nations as part of international law. These rules ... (8) such items as the sanctity of treaties, the safety of foreign ambassadors, and each nation's jurisdiction over the air space above its territory. *General international law* includes rules accepted by the majority of countries, especially ... (10) that are most powerful. One law of this type is the rule that each nation has jurisdiction ... (11) its territorial waters. A water area typically claimed to extend 12 nautical miles from ... (12) shore. *Particular international law* includes agreements between two or among a few nations, such as trade treaties.

	A	B	C
1	legislation	legislative	legislature
2	enforce	enforcement	enforceable
3	they	them	their
4	to observe	observance	observation
5	made	to make	make
6	are often classified	is often classified	often classified
7	include	includes	to includes
8	accepted	accepting	accept
9	covers	cover	is covered
10	them	they	those
11	under	above	over
12	it's	its	it

#### **1.4.4 Translate the following sentences :**

1. Найдавніший міжнародний договір, який було укладено між акадським царем Нарамсином та правителем Еламу, датується першою половиною 23 століття до н.е.

2. Стародавні римські юристи ввели поняття “право народів” (jus gentium), яке тривалий час в міжнародно-правовій доктрині використовувалося, як еквівалент терміна “ міжнародне право ”.

3. Сучасне міжнародне право є окремою правовою системою, яка складається з принципів, договірних і звичаєвих норм, що регулюють відносини між державами, міжурядовими організаціями й суб'єктами міжнародного права.

4. Система міжнародного права - це порядок розташування принципів і норм у логічній послідовності або за предметом регулювання.

5. У сучасних умовах можна виділити три основні напрями розвитку міжнародного права: врегулювання глобальних проблем сучасності, розв'язання нових конфліктів, реформування ООН.

6. Міжнародні договори - одна з найбільш поширених у наш час форм закріплення взаємних міжнародних прав і обов'язків.

### ***SPEAKING***

#### **1.5 Read the case. Choose the appropriate option and justify your choice**

1. Mrs. Jones was born in State A. Her parents then lived in State B, where they still reside. State A follows the rule of nationality by birth. State B follows the rule of nationality by parentage. Mrs. Jones is probably a:

- a) dual national;
- b) citizen of A only;
- c) citizen of B only;
- d) citizen neither A nor B.

2. A State X diplomat commits a felony in host State Y. Y's authorities may thus:

- a) arrest the diplomat because no one above the law of State X;
- b) arrest the diplomat because the Vienna Convention authorizes arrest;
- c) declare that the diplomat has thus waived any right to immunity;
- d) declare the diplomat persona non grata.



3. An authorized individual is carrying a diplomatic bag for State X to the embassy in State Y. State Y airport authorities learn that she is also carrying bombs and ammunition in the bag when she arrives at in Y. State Y authorities:

- a) can do nothing;
- b) may have a limited right to remove the bombs and ammunition from the bag at the airport;
- c) can immediately arrest and prosecute the diplomatic courier;
- d) can immediately close the State X embassy in Y and arrest the diplomatic staff.

### **GRAMMAR FOCUS: Infinitive, Participle, Gerund**

#### **1.6 Find the Infinitives and translate the sentences into Ukrainian:**

1. I would like to look through this International Treaty. 2. I expect him to be always fair in presenting evidences. 3. Their duty is to detain criminals. 4. He has just finished his speech to read the text on criminal law. 5. We asked to be given convincing evidence.

#### **1.6.1 Fill in the gaps with the participle *to* where necessary:**

1. Have you ever heard him ... break the law? 2. She seems ... know a great deal about criminal law in the USA. 3. Let him ...help you with the presentation about methods of crime identifications. 4. Have you enough information ...sue for compensation. 5. He would rather die than ... betray his country.

#### **1.6.2 Translate into English using Infinitive and Infinitive Complexes:**

1. Ви чули, щоб він коли-небудь порушував закон? 2. Він почув як суддя говорив латиною. 3. Вони раді, що їх визнали невинними. 4. Здається, його оштрафували, тому що він був у стані сп'яніння за кермом. 5. Він вимагав, щоб йому надали поговорити з адвокатом. 6. Бачили, як він грабував банк. 7. Повідомили, що вбивцю знайшли. 8. Припускають, що він не сам скоїв злочин. 9. Чули, що терористи захопили літак вчора. 10. Відомо, що цей слідчий розслідує справу про вбивство зараз.

#### **1.6.3 Complete the following sentences with the appropriate verb in the gerund form:**

1. He is accused of...2. I insist on telling...3. He didn't succeed in finding...4. Before becoming a judge one must...5. Making contracts ...6. They are suspected of...7. I am looking forward to...8. Without considering the evidence of the accused the jury can't...9. After explaining the rules to the accused the judge began... 10. They kept on discussing ...

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#### 1.6.4 Translate into English using gerund:

1. Вони з нетерпінням чекають на підписання цього контракту.
2. Перестаньте звинувачувати всіх.
3. Нарешті вони почали ретельно вивчати питання міжнародної торгівлі.
4. З цим не слід сперечатися: клієнти шукають високо кваліфікованих спеціалістів у галузі права.
5. Питання щодо розірвання контракту треба розглянути ретельно.

#### 1.6.5 Make up your sentences according to the model

**Model:** *To present to the lawyers/ to be not sufficient/ documents.*

*The documents presented to the lawyers were not sufficient.*

1. To charge with shoplifting/ to listen to the person/ they.
2. To accuse of kidnapping/ may be cross-examined/ Mr.Simpson.
3. Martha Black/ to convict by the court/ to be imprisoned.
4. To be going to appeal the court decision/ William/ to sentence to ten years of imprisonment.
5. The offender/ to bring before a court/ to release on bail.

### Unit 2. International Treaties

#### 2.1 Answer the following questions

1. What International treaties can you remember?
2. What international treaties is Ukraine a party to?

#### 2.2 Match the following English words and expressions with their Ukrainian equivalents:

1. treaty	a) ратифікувати
2. obligations	b) попередити
3. to prevent	c) перемови
4. breach	d) зобов'язання
5. negotiation	f) договір
6. to ratify	g) узгоджений
7. consensual	h) порушення

### 2.2.1 Read the text to understand what information is new for you

A treaty is an agreement under international law entered into by actors in international law, namely sovereign states and international organizations. A treaty may also be known as: (international) agreement, protocol, covenant, convention, exchange of letters, pact. Regardless of the terminology, all of these international agreements under international law are equally treaties and the rules are the same. International organizations may also be given the capacity to make treaties, either with sovereign states or other international organizations. The name chosen generally does not affect the legal status of the agreement. As long as the parties intend the text to be binding, it is a treaty.

Treaties may incorporate rules of custom or develop new law. Treaties can be loosely compared to contracts: both are means of willing parties assuming obligations among themselves, and a party to either that fails to live up to their obligations can be held liable under international law for that breach. The central principle of treaty law is expressed in the maxim *pacta sunt servanda*—"pacts must be respected".

The most well known examples of international treaties are the United Nations Charter, Treaty on European Union (Maastricht Treaty), North Atlantic Treaty (NATO), Treaty on World Trade Organization (Marrakesh Agreement).

Under Article 102 of the Charter of the United Nations, "Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it, be invoked before it or enforced in its judiciary organ, the International Court of Justice". This was done to prevent the proliferation of secret treaties that occurred in the 19th and 20th century. The Charter also states that its members' obligations under it outweigh any competing obligations under other treaties.

International treaties can be classified as bilateral and multilateral. Multilateral treaties establish rights and obligations between each party and every other party. Bilateral treaties are negotiated between a limited number of states, most commonly only two, establishing legal rights and obligations between those two states only.

The present system of international law remains largely consensual and centered on the sovereign state. It is within the discretion of each state to participate in the negotiation of, or to sign or ratify, any international treaty. Likewise, each member state of an international organization such as the UN is free to ratify any convention adopted by that organization.

**2.2.2 Answer the following questions according to the text above**

1. What words meaning a “treaty” can you come across in the text?
2. Is it obligatory for a state to ratify any international treaty?
3. What types of treaties can countries sign?
4. Why should any international treaty be registered with the UN Secretariat and published by it?
5. Why is the present system of international law called consensual?

**VOCABULARY FOCUS**

**2.3 Match the definitions with the words meaning the changes to be made to treaties:**

a) implementation	1) statement purporting to exclude or to modify the legal obligation and its effects on the reserving state, must be included at the time of signing or ratification;
b) reservation	2) the act of correction, improvement, changing for better of the existing treaty;
c) interpretation	3) an additional treaty or international agreement that supplements a previous treaty, can amend the previous treaty, or add additional provisions;
d) termination	4) change in the domestic law of a state party that will direct or enable it to fulfill treaty obligations;
e) amendment	5) explanation of the ordinary meaning given to the terms of the treaty in their context and in the light of its object and purpose, can be performed by the International tribunals and arbiters;
f) invalidation	6) ending the treaty;
g) protocol	7) consideration a treaty as unenforceable and void under international law.

**2.3.1 Make the nouns adding suffixes to the following verbs, use them in the sentences of your own:**

Register, amend, adopt, sign, ratify, implement, apply, enforce, reserve, interpret, negotiate, conclude, terminate, to oblige.

## 2.4 Render into English

Організація Об'єднаних Націй працює в багатьох різних галузях. Щоб виконувати свої завдання, ООН має великий відділ міжнародних цивільних службовців (Секретаріат), в якому працюють понад 9000 осіб. Цей підрозділ ООН очолює Генеральний Секретар, відповідальний за щоденну успішну роботу ООН і багатьох її проектів.

Генеральний Секретар ООН є також символом Об'єднаних Націй, представником народів світу, що має можливість просити про допомогу.

Генеральний Секретар також обирає Посланців миру, які популяризують діяльність ООН. Посланцями миру обирали Лучано Паваротті, Мохаммеда Алі.

## 2.5 Speaking

### Discuss these questions with a partner

1. What international treaties are possibly to be signed in the nearest future?
2. What are the main trends of the international law development in the XXI century?

### **GRAMMAR FOCUS: Revision**

## 2.6 Choose the appropriate form of the verb

1. A body of expert lawyers (is needed/ needed) time for consideration of a case. 2. Common law (based/ is based) on the principle of deciding cases by reference to previous judicial decisions. 3. Citizens (are chosen/ choose) for jury service through a process that is set out in laws. 4. Once the jury (select/ is selected), the lawyers for both sides give their opening statements. 5. The prosecutor (presented/ is presented) the case yesterday. 6. They (carried out/ were carrying out) the expert examination an hour ago. 7. She (studied/ was studying) the report of the policeman when he came in. 8. The investigator (questioned/ was questioning) the suspect from 5 till 6 p.m. 9. The prisoner (was telling/ told) about the circumstances of the crime when his mother came to see him. 10. The judge (was calling/ called) the witnesses of the defence after the testimony of the plaintiff's witness. 11. After the direct examination the defendant's lawyer (was having/ had) a chance to question the witness. 12. He (investigated/ was investigated) the difficult case last month.

**2.6.1 Correct the mistakes in the sentences given below. Mind Passive Voice.**

1. Some international law is also create by the rulings of international courts and organizations.

2. The rules of international law generally divided into laws of peace, of war, and of neutrality.

3. Enforcement may effectively achieved through the actions of individual nations, agencies of international organizations such as the United Nations (UN), and international courts.

4. War still recognizes under traditional international law.

5. Neutral waters and ports must not be use for naval operations.

**2.6.2 Put the verbs in brackets in necessary form:**

UNITED NATIONS CHARTER

The United Nations Charter is the treaty that \_\_\_\_\_ (form) and establishes the international organization \_\_\_\_\_ (call) the United Nations. It \_\_\_\_\_ (sign) at the United Nations Conference on International Organization in the Veterans Auditorium (now the Herbst Theatre) of the War Memorial Veterans Building in San Francisco, California, United States, on June 26, 1945, by 50 of the 51 original member countries (Poland, the other original member, which \_\_\_\_\_ (not represent) at the conference, signed it later). It \_\_\_\_\_ (enter) into force on October 24, 1945, after \_\_\_\_\_ (be) ratified by the five permanent members of the Security Council—the Republic of China (later replaced by the People's Republic of China), France, the Union of Soviet Socialist Republics (later replaced by the Russian Federation), the United Kingdom, and the United States—and a majority of the other signatories.

As a charter, it is a constituent treaty, and all members are bound by its articles. Furthermore, the Charter \_\_\_\_\_ (state) that obligations to the United Nations \_\_\_\_\_ (prevail) over all other treaty obligations. Most countries in the world have now ratified the Charter. One notable exception is the Holy See (Vatican City State), which has chosen to remain a permanent observer state and therefore \_\_\_\_\_ (be) not a full signatory to the Charter.

**2.6.3 Open the brackets using the verbs in correct forms of Passive Voice**

1. The criminal code (to read) now.

2. The criminal code (to read) at this time yesterday.

3. Criminal law typically (to enforce) by the government.
4. Hammurabi code (to draw up) in about 1758 B.C.
5. The Greeks believed that laws (to make) by the people for the people.
6. He (to punish) already for being drunk while driving a car.
7. The principle of limited government (to establish) by the Magna Carta.
8. The document (to study) by the time the Dean came into the room.
9. Crimes (to classify) a felony or misdemeanor.
10. The final version of the Magna Charter (to draft) by John in 1215.
11. The famous criminal (to arrest) the day before yesterday.
12. The verdict (to announce) when he came in the court room.
13. The opening statement (to announce) five minutes ago.
14. The fingerprints (to identify) when chief officer came into the room.
15. Our relations with one another (to govern) by many rules of conduct.

#### 2.6.4 Read the dialogue using the verbs in correct forms

P: What 1)... (you/do) when you 2).....(see) the accident, madam?

H: I 3).....(walk) down the street.

P: What exactly 4).....(you/see)?

H: Well, the driver of the car 5)..... (drive) down the road when suddenly the old man just 6).....(step) in front of him! It 7)..... (be) terrible!

P: 8).....(the driver/speed)?

H: No. not really, but the old man 9)..... (not/look) both ways before he 10).....(try) to cross the road.

P: 11).....(anyone else/see) the accident?

H: Yes, the lady in the post office.

P: Thank you very much.

#### 2.6.5 Open the brackets using the verbs in correct forms of Active or Passive Voice

1. Probation (to use) for minor offences.
2. Magistrates (to guide) on points of law by a clerk.
3. The house (to search) when the chief investigator called.
4. He (to find) innocent and the case (to close) last week.
5. The burglar (to break) into the house and (to steal) a new TV set.

6. The famous criminal (not to arrest) the day before yesterday.
7. The verdict (to announce) by the time he came in the court room.
8. A defense-lawyer (to represent) the accused in five minutes.
9. A drug dealer (to sell) drugs when a police caught him.
10. Experts (to examine) the fingerprints by noon yesterday.

### 2.6.6 Choose the correct option

1. The solicitor said that his case .... difficult.  
a) was b) is c) had been
2. He asked me what types of legal profession in the UK I ....  
a) knew b) knows c) know
3. The judge said that the suspected man ... guilty.  
a) had been found b) is found c) has been found
4. He said that he ....a barrister the next week.  
a) had hire b) will hire c) would hire
5. He wondered if the judge ...already.... the sentence.  
a) had passed b)is passing c) has passed

### 2.6.7 Change questions into Reported Speech start like this:

*I am asked or I was asked.....*

1. Do you want to become an investigator?
2. Have you watched any detectives?
3. What is your favorite detective?
4. Have you ever witnessed any crimes?
5. What are two types of evidence?

### 2.6.8 Change into Indirect Speech:

1. She claimed: "I know the criminal"
3. The defendant said "I am not guilty"
4. The foreman said "I can read the verdict"
5. The policeman ordered: "Don't move!"
6. A student asked a teacher: "Tell me about criminal procedures, please "
7. The prosecutor asked the defendant : "What street have you seen the car? "
8. A teacher asked students: "Have you read the text about court trial at home?"



**2.6.9 Translate into English:**

1. Вона запитала, чи хочу я стати прокурором.
2. Він запитав, хто розслідує його справу.
3. Вона сказала, що не знає свідка.
4. Слідчий запитав, чи є свідки вбивства.
5. Поліцейський наказав не рухатись.
6. Поліцейський наказав підняти руки вгору.

**2.6.10 Open the brackets using the infinitive or the ing-form of the verb:**

1. I've never heard him... (to start) legal proceedings.
2. They want him... (to plead guilty) in committing a grave crime.
3. The most offences... (to involve) criminal law are those against the state.
4. They'll look forward to... (to charge) him for the second time.
5. The offence turned out... (to be) committed while sleepwalking, and this act can't be qualified as a crime.

**2.6.11 Translate into English:**

1. Підозрюваний пограбував банк вчора.
2. Автомобіль було викрадено 8 лютого.
3. Підсудного визнали невинним.
4. Коли він зайшов до зали суду, адвокат проголошував заключну промову.
5. Коли вона зайшла до зали суду, вступні промови вже було проголошено.
6. Якщо суд присяжних визнає її винною, суддя винесе вирок.
7. Якби я був присяжним, я б визнав її невинною.
8. Якби вона не залишила відбитків пальців, її б не заарештували.
9. Вона, напевно, залишила відбитки пальців.
10. Не може бути, щоб вона вкрала автомобіль.
11. Малоімовірно, що вона вкрала автомобіль.
12. Можливо, вона знає злочинця.

## References

1. Водяха А. М. Правова система Великої Британії: навчальний посібник з англійської мови для студентів-юристів. – Х.: Консум, 2000. – 108 с.
2. Гурманова Ю. Л. Just English. Английский для юристов. Базовый курс / Гурманова Ю. Л., Королева-МакАри В. А., Свешникова М. Л. – М.: ИКД "Зерцало-М", 2002. – 256 с.
3. Зернецький П. В. Англійська мова для правників / Зернецький П. В., Орлов М. В. – К.: Вид. дім «КМ Академія», 2003. – 182 с.
4. Завдання студентам-юристам для самостійного опрацювання розмовних тем / О.М.Бровіна О.В.Гончар Н.В.Карцева та ін. За заг. ред.проф. В.П.Сімонок.–Х.: Право, 2005.– 60 с.
5. Мізецька В. Я. Практичний курс англійської мови для юристів: підручник. – Х.: «Одіссей», 2003. – 240 с.
6. Сімонок В.П. «English for Lawyers» / Сімонок В.П., Лисицька О.П., Семьонкіна І.А., Сергеева Г.А. та ін./ За заг. ред. проф. Сімонок В.П. .–Х.: Право, 2005.– 558 с.
7. Черноватий Л. М. Буква закону: навчальний посібник з англійської мови для навчання професійного спілкування майбутніх правників / Черноватий Л. М., Липко І. П., Романюк С. М. та інш. – К.: Право, 2011. – 526 с.
8. Черноватий Л. М. Переклад англійської юридичної літератури: навчальний посібник / Черноватий Л. М., Карабан В. І., Іванко Ю. П., Липко І. П. – Вінниця: Нова Книга, 2006. – 656 с.
9. International legal English . A course for classroom or self -study use. Cambridge University Press.
10. Career Path. Law. Virginia Evans, Jenny Dolley. Express Publishing