



ХМЕЛЬНИЦЬКА ОБЛАСНА РАДА
ХМЕЛЬНИЦЬКИЙ УНІВЕРСИТЕТ УПРАВЛІННЯ ТА ПРАВА
ІМЕНІ ЛЕОНІДА ЮЗЬКОВА

ЗАТВЕРДЖЕНО

Рішення методичної ради університету
_____ 2023 року,
протокол № _____

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_____ 2023 року

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(АНГЛІЙСЬКА МОВА)

МЕТОДИЧНІ РЕКОМЕНДАЦІЇ
до практичних занять
та самостійної роботи студентів

Law in the Modern World/Право в сучасному світі

для підготовки на першому освітньому рівні
здобувачів вищої освіти ступеня бакалавра
за спеціальністю 081 Право
галузі знань 08 Право

РОЗРОБНИК:

Старша викладачка кафедри мовознавства

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16 січня 2023 року

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17 січня 2023 року, протокол №6.

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			Crop.
Unit 1	Sources of Modern Law	–	4
Unit 2	Law. Types of Law in Ukraine, Great Britain, and the USA.	–	14
Unit 3	International Law	–	26
Unit 4	The UNO	–	35
Unit 5	The ICJ	–	45
Unit 6	Criminal Law. Types of Crimes	–	55
Unit 7	Sentencing and Punishment	–	67
	Referances	–	79

UNIT 1

Sources of Modern Law

Section 1. Text Work

Task 1. Before reading the text, answer the following questions:

- 1) Do you know the difference between common law and continental law?
- 2) Does a common law system operate in your country?
- 3) Where do laws come from in your legal systems?

Task 2. Read and memorize the active vocabulary to the text *Sources of Modern Law*

common law/case law	– загальне право /прецедентне право
continental law	– континентально-європейське право
canon law	– канонічне , церковне право
a statute	– статут, законодавчий акт
a precedent	– (судовий) прецедент
impartial	– неупереджений, справедливий
accusatorial	– який стосується обвинувачення
adversarial	– змагальний (про судовий процес);
to modify/clarify	– змінювати
biased	– упереджений
egalitarian	– зрівняльний, егалітарний
to eliminate	– усувати, виключати
confusion	– плутанина
to exaggerate	– перебільшувати

Task 3. Read and translate the text, write down all the unknown words.

Sources of Modern Law

Each country in the world has its own system of law. However, it is generally true to say that there are two main traditions of law in the world. One is based on English Common law, and has been adopted by many Commonwealth countries and most of the United States. The other tradition, sometimes known as Continental, or Roman law has developed in most of continental Europe, Latin America and many countries in Asia and Africa.

Common law, or case law systems, particularly that of England, means that a system of "judge made" law has continuously developed over the years through the decisions of judges in the cases brought before them. Customs and court rulings have been as important as statutes (government legislation). Being independent of the government and the people appearing before them, judges do not merely apply the law and make impartial decisions, in some cases they make law, since their interpretations may become precedents for other courts to follow. Court procedure is accusatorial. This means that judges do not investigate the cases before them but reach a decision based only on the evidence presented to

them by the parties to the dispute. This is called the adversarial system of justice.

The doctrine of precedent is still a central feature of modern common law systems. Courts are bound by the decisions of previous courts unless it can be shown that the facts differ from previous cases. Sometimes governments make new laws - statutes - to modify or clarify the common law. But even statutes often need to be interpreted by the courts in order to fit particular cases, and these interpretations become new precedents. In common law systems, the law is, thus, found not only in government statutes, but also in the historical records of cases.

Continental systems are sometimes known as codified legal systems. They have resulted from attempts by governments to produce a set of codes to govern every legal aspect of a citizen's life. In codifying their legal systems, many countries have looked to the examples of Revolutionary and Napoleonic France, whose legislators wanted to break with previous case law, which had often produced corrupt and biased judgment and to apply new egalitarian social theories to the law. The lawmakers of new nations sometimes wanted to show that the legal rights of their citizens originated in the state, not in local customs, and thus it was the state that was to make law, not the courts. In order to separate the roles of the legislature and judiciary, it was necessary to make laws that were clear and comprehensive. The lawmakers were often influenced by the model of the canon law of the Roman Catholic Church, but the most important models were the codes produced in the seventh century under the direction of Roman Emperor Justinian. His aim had been to eliminate the confusion of centuries of inconsistent lawmaking by formulating a comprehensive system that would entirely replace existing law.

It is important not to exaggerate the differences between these two traditions of law. For one thing, many case law systems, such as California's, have areas of law that have been comprehensively codified. For another, many countries can be said to have belonged to the Roman tradition long before codifying their laws, and large uncodified - perhaps uncodifiable - areas of the law still remain. French public law has never been codified, and French courts have produced a great deal of case law in interpreting codes that become out of date because of social change.

Despite this, it is also important not to exaggerate similarities among systems within the Continental tradition. For example, while adopting some French ideas, such as separation of the legislature and judiciary, the late nineteenth century codifiers of German law aimed at conserving customs and traditions peculiar to German history. Canon law had a stronger influence in countries with a less secular ideology than France, such as Spain.

Task 4. Read the text with the proper pronunciation of the words and intonation. Remember that your reading time is not more than 3 minutes.

Task 5. Answer the following questions.

1. What countries has English Common law been adopted by?
2. What countries Continental/Roman law has developed in?
3. What are the other names of *common law*?

4. Why is it necessary to stress that judges do not merely apply the law but also make law?
5. Dwell on the court procedure under English Common law.
6. What doctrine is still a central feature of modern common law systems?
7. Why do you think statutes often become new precedents?
8. Where is it possible to find any law in common law systems?
9. What is the other name of *continental law*?
10. What is the main characteristic of the continental systems of law?
11. What law models influenced the creators while codifying their legal systems?
12. What historical facts relating to the Roman Emperor Justinian and his contribution in codifying legislation do you remember?
13. What earliest sources of Roman law do you remember?
14. Why is it important not to exaggerate the differences between two traditions of law?
15. Why is it important not to exaggerate the similarities among systems within the Continental tradition?

Task 6. Pick out from the text all the word combinations with the following words and give their Ukrainian equivalents.

system, law, judge, justice, statute, codify, precedent

Section 2. Exercises to Be Done In Writing

Task 7. Make sure that you know the meaning of these words and word combinations in Ukrainian.

adversarial system of justice, to be bound by the decisions of previous courts, secular ideology, to produce a judgment, to apply an egalitarian social theory to the law, to reach a decision, accusatorial procedure, case law, to be independent of the people, interpretation of the law, to be aimed at, accusatorial procedure, to be bound by the decisions of previous courts, to modify the common law, codified legal systems, to produce a set of codes, corrupt and biased judgment, canon law, to eliminate confusion of inconsistent lawmaking, to exaggerate similarities among systems within the Continental tradition, records of cases,

Task 8. Make sure that you know the meaning of these words and word combinations in English.

законодавець, постанова суду, бути під впливом, застосовувати закон, розслідувати справу, звичаєве право, зберігати звичаї і традиції, бути незалежним від уряду, континентальне право, надавати докази, приймати неупереджене рішення, дотримуватись прецеденту, роз'яснювати загальне право, англійське загальне право, керувати правовими аспектами життя громадян, розділяти законодавчу та виконавчу гілки влади, надмірно підкреслювати відмінності між двома традиціями права, статут/законодавчий акт, сторони позову,

Task 9. Translate the following text and pay special attention to the underlined words or phrases.

Comparison of Roman and English law

The main differences between the British legal system, called the accusatorial or adversarial system, and the system of some European countries (for example, France), called the inquisitorial system, are that in the accusatorial system the judge acts as an impartial umpire; prosecution and defense each put their case; and the jury decides. In the inquisitorial system the inquiry into the facts is conducted by the judge, who also examines the evidence and interrogates witnesses.

A disadvantage of the accusatorial system is that juries have to decide on the basis of the evidence put in court, which may be limited by rules of evidence. The same evidence would not be hidden under the inquisitorial system, where all evidence must be put forward. But the inquisitorial system does not allow for cross-examination of witnesses, and gives the examining magistrate potentially-oppressive powers. Pleas of guilty are also not allowed.

Task 10. Make the following sentences complete by translating the phrases in brackets.

1. Roman law concerned with (*питання правонаступництва (хто що має успадкувати), боргових зобов'язань (включаючи контракти, як наприклад позики, які стосувались фізичних осіб), майна та речей особистого користування, а також питання, які стосувались приватних осіб (а саме членів сімей, рабів та громадянства).*)
2. The essence of English common law is that it is made by judges sitting in courts, (*застосовуючи свій здоровий глузд та знання юридичного прецеденту відносно фактів, які були представлені їм).*)
3. The real heart of Roman law was (*спадкове право*). However, (*окрім процесуальних норм, сімейне право, торгове право, а також право погашення боргових зобов'язань є іншими основними сферами).*)
4. The Twelve Tables were (*обнародувані десь у 451-450 роках до н.е. для того, щоб зібрати та довести до відома постанови та порядок дій, які до того часу були обмежені лише для членів родин первосвящеників та правлячих класів патрицій).*)
5. An important feature of common law tradition is equity. Since many people were (*незадоволені негнучкістю загального права, розвинулась практика апелювати прямо до короля або його головного адміністратора – лорда-канцлера).*)
6. The courts of common law and of equity existed alongside each other for centuries, (*якщо відповідно до принципу справедливості постанови мала інший результат, відмінний від постанови згідно із звичаєвим*

правом, то загальне правило було таким, що справедливість має переважну силу).

Task 11. Give synonyms to the words in bold type.

1. **The rules** tell the people what they must do and what they must not do.
2. The English Common Law is native to Britain, but has **sprung forth** in the United States, in Australia, New Zealand and most of Canada, whereas Scotland, the Continent and South Africa have all taken strong doses of Roman Law.
3. In its early form the jury was a selected body of men who were obliged **on oath** 'to present' for **trial** all the people in their district who **committed crimes**.
4. **Statutes** often need to be interpreted by the courts in order to fit particular **cases**, and these **interpretations** become new precedents.
5. Roman law concerned itself with matters of succession, obligations, **property** and possessions, and **persons**.

(to swear, individual, law×2, court hearing, ownership, to do wrong, legal dispute, widespread)

Task 12. Complete the following expressions choosing a suitable preposition from the list below; find the best way of expressing them in Ukrainian.

for, until, on×3, with, under, from×2, up, to

1. English law is based ... the common law tradition.
2. Common law systems are different ... the civil law systems of Western Europe and Latin America.
3. The judge is responsible ... conducting the trial in a fair manner.
4. Roman law is concerned ... the relationships between people, their legal actions, and the right they have on goods.
5. The legal institutions evolved by the Romans had influence ... the laws of other peoples in times long after the disappearance of the Roman Empire and in countries that were never subject ... Roman rule.
6. Versions of Roman law had long influenced many parts of Europe, but had little impact ... English law.
7. The Roman law is the law of ancient Rome ... the time of the founding of the city in 753 BC ... the fall of the Western Empire in the 5th century AD.
8. Law is a body of rules and principles ... which justice is administered in a state.

Task 13. Match the words on the left with their definitions on the right. Use them in the sentences of your own.

1. precedent	a) the part of English law that is derived from custom and
2. to codify	judicial precedent rather than statutes;

3. common law	b) a written law passed by a legislative body;
4. equity	c) branch of law that developed alongside common law and is concerned with fairness and justice, formerly administered in special courts;
5. impartial	d) arrange laws or rules into a systematic code;
6. statute	e) treating all rivals or disputants equally;
	f) a previous case or legal decision that may be or (binding precedent) must be followed in subsequent similar cases.

Task 14. Complete the text using the proposed words. Discuss the text with the partner.

dealt with, precedents, Continental law, civil disputes, cases, common law, codify, to apply, innocence, judge, common law systems, principle, customs, facts, interpreted, under the authority of

COMMON LAW SYSTEMS

Common law, or case law systems, particularly that of England, differ from 1)... in having developed gradually throughout history, not as the result of government attempts to define or 2)... every legal relation. Customs and court rulings have been as important as statutes (government legislation). Judges do not merely apply the law, in some 3)... they make law, since their interpretations may become 4)... for other courts to follow.

Before William of Normandy invaded England in 1066, law was administered by a series of local courts and no law was common to the whole kingdom. The Norman Kings sent traveling judges around the country and gradually a "5)..." developed, 6)... three common law courts in London. Judges 7)... both criminal cases and 8)... between individuals. Although local and ancient 9)... played their part, uniform application of the law throughout the country was promoted by the gradual development of the doctrine of precedent.

By this 10)..., judges attempted 11)... existing customs and laws to each new case, rather than looking to the government to write new laws. If the essential elements of a case were the same as those of previous recorded cases, then the judge was bound to reach the same decision regarding guilt or 12)... If no precedent could be found, then the 13)... made a decision based upon existing legal principles, and his decision would become a precedent for other courts to follow when a similar case arose. The doctrine of precedent is still a central feature of modern 14)... Courts are bound by the decisions of previous courts unless it can be shown that the 15)... differ from previous cases. Sometimes governments make new laws - statutes – to modify or clarify the common law. But even statutes often need to be 16)... by the courts in order to fit particular cases, and these interpretations become new precedents. In common law systems, the law is, thus, found not only in government statutes, but also in the historical records of cases.

Task 15. Translate these sentences into English.

1. Унікальною рисою англійського права є доктрина судового прецеденту, у відповідності з яким рішення судів є обов'язковим джерелом права за майбутні рішення.
2. Джерелами англійського права є звичаї, судові рішення, а також закони, прийняті парламентом.
3. Змагальна система правосуддя означає, що судді не розслідують справи, які подаються до розгляду, а приймають рішення базуючись на доказах, які представлені сторонами суперечки.
4. В системі судового розслідування суддя здійснює розслідування фактів справи, допитує свідків та вивчає докази.
5. Першим відомим джерелом римського права є написані латиною Закони 12 таблиць, які існували в середині п'ятого століття до нашої ери.
6. На сьогоднішній день існують багаточисленні системи права, але відверто кажучи, всі вони виникли з двох джерел – римського та англійського права.

Section 3. Exercises for Oral Practice

BRAISTORM

Every land has its own law.
 Custom rules the law.
 So many countries so many customs.

What is your understanding of these words?

Task 15. Read and dramatize the following dialogues.

Mary: Are you doing anything tonight, Heather? Why don't we go to the concert? Your favourite jazz is playing.

Heather: Thanks. That would be great. But the trouble is I have to prepare a report for the conference. It's due¹ tomorrow.

Mary: You surprise me! Why did you put it off for so long. As far as I remember you got this assignment several weeks ago.

Heather: Yes, I know. It's always like that with me. You see, the theme of the report seemed easy at first and I thought it wouldn't take me long.

Mary: What is it about?

Heather: About the legal heritage of Greece.

Mary: Was it your choice?

Heather: Well, I am interested in history, you know. The historical development of legal system seems appealing. And I decided to start with Greece. The ancient Greeks were among the first to develop a concept of law that separated everyday law from religious beliefs. Besides they thought that laws were made by the people for the

people.

Mary: By the way, have you heard the name Draco?

Heather: No, but why? What has it to do with the legal heritage of Greece?

Mary: Draco was a Greek and lived in the 7th century B.C. And it was Draco who drew up Greece's first written code of laws. And according to this code death was the punishment for the most offences.

Heather: Oh, I see why the term "draconian" is usually applied to extremely harsh measures. There is another name, Solon. He was Athen's lawgiver who devised a new code of laws.

Mary: What exactly are you going to say about Solon's law in your report?

Heather: Well, I don't really know. A lot is worth speaking about. But I have to stop on the most important facts. For example, citizens of Athens were eligible to serve in the assembly. Courts were established in which they could appeal government decisions, etc.

Mary: Will you mention the concept of "natural law" in your report?

Heather: I don't know much about it. Only that it was based on the belief that certain basic principles are above the laws of a nation.

Mary: And you should say that they arise from the nature of people. That's why the term "natural law" appeared.

Heather: Thanks for advice. I like to talk to people who know the subject.

Mary: You've thought it over, so what is left?

Heather: I need to put all my thoughts on paper and make them clear, logical and interesting.

Mary: You'll manage, you've got a night ahead. I won't keep you any more. Good luck.

Heather: Thanks.

Alexander: Frankly speaking, I can't get used to this University. No, it's not what I mean. I can't get used to the fact that I have to compare all the time the peculiarities of at least two different legal systems

Robert: What exactly do you find unusual?

Alexander: Well, for example, a judge here is capable of "making law". I just can't comprehend it though I do understand that our systems are based on different legal principles

Robert: Yes, a judge must create a new law when an Act of Parliament makes no provision and there is no existing precedent for the case under consideration.

Alexander: I think a judge must experience a feeling of great responsibility doing it.

Robert: No doubt, as his decision will become a new precedent for other courts to follow in future. And mind that the doctrine of precedent is the essential feature of British Law

Alexander: Don't you want to say that the role of Common Law is greater than that of Statutory Law?

Robert: No, I wouldn't say that. But Common Law still remains the basis of Law. But as to continental codes they get out of date too often. You should admit it.

Alexander: Yes, life changes, it dictates new rules and that's why the laws must also change not to become outdated. But what is worth discussing is the way they are changed. I'm sorry, I must be going...

Task 16. Make up your own dialogues and act them.

1. Discuss with your partner the main traditions of law in the world and the areas they are applied in.
2. Dwell on the main features of the common law and compare it with the features of law applied in Ukraine.
3. Describe the court procedure under English Common law.
4. Discuss the differences within the continental systems of law.
5. Compare the differences and similarities between two traditions of law.
6. Try to remind the earliest sources of Roman law.

Task 17. Read the text. Find in the text the equivalents to the words and phrases given below. Discuss the text with the partner.

English Law

English Law is one of the major European legal systems, Roman law being the other. English law has spread to many other countries, including former English colonies such as the USA, Canada, Australia, and New Zealand.

English law has an evolving history dating from the local customs of the Anglo-Saxons, traces of which survived until 1925. After the Norman Conquest there grew up, side by side with the Saxon shire courts, the feudal courts of the barons and the ecclesiastical (church) courts. From the king's council developed the royal courts, presided over by professional judges, which gradually absorbed the jurisdictions (legal powers) of the baronial and ecclesiastical courts. By 1250 the royal judges had amalgamated the various local customs into the system of common law – that is, law common to the whole country. A second system known as equity developed in the Court of Chancery, in which the Lord Chancellor considered petitions.

In the 17th and 18th centuries common law absorbed the Law Merchant, the international code of mercantile customs. During the 19th century virtually the whole of English law was reformed by legislation; for example, the number of capital offences was greatly reduced.

A unique feature of English law is the doctrine of judicial precedents, whereby the reported decisions of the courts form a binding source of law for future decisions. A judge is bound by decisions of courts of superior jurisdiction but not necessarily by those of inferior courts.

(поширюватись, місцеві традиції, церковні суди, слід (відбиток), судовий прецедент, злочин (що карається смертною карою), право справедливості, повноваження, позовна заява, бути зв'язаним, суд нижчої інстанції, суд

Task 18. Topics for discussion.

1. Dwell on the main traditions of law in the world and the areas they are applied in.
2. Comment on the main features of the common law.
3. Dwell on the court procedure under English Common law.
4. Speak on the main characteristics of the continental systems of law.
5. Try to remind the earliest sources of Roman law.
6. Compare the differences and similarities between two traditions of law.



It was a hot summer day, and the old courthouse was just as hot. The air was thick and humid, and the jury was having a hard time staying focused. One of the jurors succumbed to the heat, falling asleep just as the victim was being questioned by the prosecutor.

"The defendant is accused of making obscene phone calls to your home. Would you please tell the jury precisely what the defendant said when he called you," asked the prosecutor.

"I can't do that," the victim replied. "It was so crude and disgusting. I can't use language like that."

"Would it help to just write it down?"

The victim wrote out every detail of what the obscene caller had said, and passed the note to the judge. The judge read the note. It was then passed to the prosecutor, the defense attorney, and finally to the jury.

The sleeping juror was seated at the back corner of the jury box, and was the last to receive the note. He was awoken with a nudge from an attractive young juror, seated next to him, and she passed him the note. He read it, gazed in awe at the woman, and read it again. He turned to her, smiling broadly, and winked. He then put the note into his pocket. The judge demanded, "Please pass that note to the bailiff."

"But your honor," the juror protested, "It's a private matter."

"Mr. Smith, I have reviewed this case very carefully," the divorce court judge said, "and I've decided to give your wife \$275 a week."

"That's very nice, your honour," the husband said. "And every now and then I'll try to send her a few bucks, myself."

UNIT 2 Law. Types of Law in Ukraine, Great Britain, and the USA.

Section 1. Text Work

Task 1. Answer these questions:

You've been studying law for two years. Among the core subjects are Theory of State and Law of Ukraine, Theory of State and Law of Foreign Countries, criminal law, civil law, etc. So, you've got some essential knowledge of legal subjects. Try to remind what law is, what basic function it performs and what types of law is peculiar to different countries.

Task 2. Read and memorize the active vocabulary to the text *Law: Functions and Classifications*

to apply (to)/application	– застосовувати; стосуватися/застосування
to impose a penalty	– накладати (призначати)покарання
to enforce	– проводити в життя (закон); примушувати
to maintain	– підтримувати
to facilitate	– полегшувати, сприяти, допомагати
to promote	– сприяти
to subdivide	– поділяти(ся); підрозділяти
substantive law	– матеріальне право
procedural law	– процесуальне право
to distinguish	– розрізняти, відокремлювати
to set out	– встановлювати, виставляти напоказ
distinction	– відмінність
harmful	– шкідливий, згубний
breach	– порушення(закону)
subdivision	– підрозділ
law of torts	– деліктне право
maritime law	– морське право
ecclesiastical law	– церковне право
frame	– структура
separation	– <i>юр.</i> роздільне життя подружжя
paternity	– батьківство; походження по батьку
custody	– опіка
support	– підтримка
wrong	–правопорушення
negligence	– недбалість, халатність
malicious prosecution	– зловмисне судове переслідування
defamation	– наклеп, обмова, дифамація
public nuisance	– порушення громадського спокою
remuneration	– заробітна плата, винагорода
disability insurance	– страхування на випадок втрати працездатності

Task 3. Read and translate the text, write down all the unknown words.

Law: Functions and Classifications

The Law is a set of principles, rules and standards of conduct

- that have general application in the society
- that have been developed by an authority for that society, and
- for the violation of which the society imposes a penalty.

The basic functions of law are keeping the peace, enforcing standards of conduct and maintaining order, facilitating planning, and promoting social justice.

There are many ways to subdivide the law. One way is to distinguish between *substantive law and procedural law*.

Substantive law sets out the rights and duties governing people as they act in society. Duties tend to take the form of command "Do this" or "Don't do this". Substantive law also establishes rights and privileges, for example a freedom of speech or the so-called right of self-defence.

Procedural law establishes the rules under which the substantive rules of law are enforced. Rules as to what cases a court can decide, how a trial is conducted, and how a judgment by a court is to be-enforced are all part of the procedural law.

Another important distinction is between *criminal law*, concerned with wrongful acts harmful to the community, and *civil law*, concerned with individuals' rights, duties and obligations towards one another. *Criminal law* defines breaches of duty to society in large. Private duties owed by one person (including corporations) to another are established by *civil law*. The main subdivisions of civil law are: law of contract, family law, law of torts, constitutional and administrative law, industrial, maritime and ecclesiastical law.

Constitutional law is a branch of the public law of a nation or a state which treats with the organization, powers, frame of government, the distribution of political and governmental authorities and functions, the fundamental principles which are to regulate the relations of government and citizen.

Family law is a body of law regulating family relationships, including marriage and divorce, the treatment of children, and economic issues. It is also concerned with such subjects as adoption, separation, paternity, custody, support and child care.

Law of Torts includes wrongs, such as negligence, defamation, malicious prosecution and nuisance.

Labour law is a body of law applied to such matters as employment, remuneration, conditions of work, trade unions, and industrial relations. The term includes social security and disability insurance as well.

Maritime or Admiralty law is a body of legal rules that governs ships and shipping.

Administrative law is the legislative requirements, typically for businesses, issued by government agencies in published regulations.

Task 4. Read the text with the proper pronunciation of the words and intonation. Remember that your reading time is not more than 3 minutes.

Task 5. Answer the following questions.

1. How do you understand the term 'law'?
2. What functions does law perform?
3. What classifications of law do you know?
4. What does substantive law set out?
5. What form do the duties tend to take?
6. What kinds of rules does procedural law establish?
7. What distinction exists between criminal and civil law?
8. What breaches does criminal law define?
9. What duties are established by civil law?
10. What subdivisions of civil law are you familiar with?
11. What does constitutional law deal with?
12. What relations does family law regulate?
13. What wrongs does law of torts include?
14. What matters does the term labour law include?
15. What questions does admiralty law deal with?

Task 6. Pick out from the text all the word combinations with the following words and give their Ukrainian equivalents.

law, society, body, to include, to establish

Section 2. Exercises to Be Done In Writing

Task 7. Make sure that you know the meaning of these words and word combinations in Ukrainian.

a set of principles, standards of conduct, to keep the peace, to maintain order, to promote social justice, substantive law, to conduct a trial, breach of duty to society, to treat with, separation, paternity, custody, support and child care, wrong, negligence, defamation, malicious prosecution and nuisance, remuneration, disability insurance, to govern ships and shipping, to enforce standards of conduct,

Task 8. Make sure that you know the meaning of these words and word combinations in English.

умови праці, сімейне право, застосовувати покарання, адміністративне право, сприяти плануванню, соціальне забезпечення, конституційне право, розрізняти, виробничі відносини, керувати рухом кораблів та вантажними перевезеннями, процесуальне право, керувати людьми, деліктне право, встановлювати правила та привілеї, профспілки, втілити рішення суду, злочинні дії, бути шкідливим для суспільства, договірне право, виробниче право, організація та повноваження уряду, форма управління, регулювати сімейні відносини, працевлаштування, церковне право, disability insurance, морське право,

Task 9. Translate the following sentences and pay special attention to the underlined words or phrases.

1. Admiralty law is a distinct body of law which governs maritime questions and offenses and deals with matters including marine commerce, marine navigation, shipping, sailors, and the transportation of passengers and goods by sea.
2. Family law is an area of the law that deals with family-related issues and domestic relations including: the nature of marriage, civil unions, and domestic partnerships; issues arising throughout marriage, including spousal abuse, legitimacy, adoption, surrogacy, child abuse, and child abduction, the termination of the relationship and ancillary matters including divorce, annulment, property settlements, alimony, and parental responsibility orders.
3. Criminal law, or penal law, is the body of rules that defines conduct which is prohibited by the state because it is held to threaten, harm or otherwise endanger the safety and welfare of the public, and that sets out the punishment to be imposed on those who breach these laws.
4. Civil law is a legal system inspired by Roman law, the primary feature of which is that laws are written into a collection, codified, and not (as in common law) determined by judges.
5. Canon law is the body of laws and regulations made by or adopted by ecclesiastical authority, for the government of the Christian organization and its members and the way that such church law is legislated, interpreted and at times adjudicated varies widely among three bodies of churches Catholic Church, Orthodox Church and the Anglican Communion of churches.
6. The law of torts serves four objectives
 - it seeks to compensate victims for injuries suffered by the culpable action or inaction of others;
 - it seeks to shift the cost of such injuries to the person or persons who are legally responsible for inflicting them;
 - it seeks to discourage injurious, careless, and risky behavior in the future and at last
 - it seeks to vindicate legal rights and interests that have been compromised, diminished, or emasculated.

Task 10. Make the following sentences complete by translating the phrases in brackets.

1. Law is (набір правил чи норм поведінки) which mandate, proscribe or permit specified (відносини між людьми та організаціями); as well as punishments for those who do not follow the established rules of conduct.
2. Labour law arose due to the (потреб робочих у кращих умовах праці), the right to organize, and the simultaneous demands of employers to (обмежити повноваження організацій робітників).

3. As law is a system of rules and guidelines, usually enforced through a set of institutions, (воно формує політику, економіку та суспільство численними способами) and serves as a social mediator of relations between people.
4. Constitutions may be (писані або неписані), they may be (складні чи прості), they may provide for vastly different patterns of governance.
5. The party in force has proposed a new law (щоб захистити людей) from being evicted unfairly.
6. Commercial law is a body of law (яке розглядає ділові та комерційні угоди).

Task 11. Give synonyms to the words in bold type.

1. Law is a set of principles and regulations established in a **community** by some authority and applicable to its people, whether in the form of legislation or of custom and policies recognized and enforced by judicial decision.
2. The role of law in society is to be the keeper of order and set rules that all individuals are expected to follow, so that there can not only be a consensus on what is right and wrong, but also so there can be a decision on when to punish someone and how to determine whether they have **broken** the law.
3. Laws regulate social **behaviour**, which leads to a society that runs efficiently.
4. Laws also supply ethical **standards** and expectations, while providing rules of conduct, measures to enforce those rules, and are means for settling disputes.
5. A **tort** is a wrong that involves a breach of a civil duty owed to someone else.
6. **Admiralty** law is distinguished from the Law of the Sea, which is a body of public international law dealing with navigational rights, mineral rights, jurisdiction over coastal waters and international law governing relationships between nations.

(to violate, society, conduct, norm, delict, maritime)

Task 12. Complete the following expressions choosing a suitable preposition from the list below; find the best way of expressing them in Ukrainian.

in, into, for, to (x2), out

1. The President of this company usually sets ... his ideas absolutely clearly in his speeches.
2. Every political community, and thus every national state, has a constitution, at least in the sense that it operates its important institutions according ...some fundamental body of rules.
3. Criminal law defines breaches of duty to society ... large.
4. Everything I have said doesn't apply ...you.
5. Family law is divided ... public and private cases.
6. In economic affairs, tort law provides remedies ... businesses that are harmed by the unfair and deceptive trade practices of a competitor.

Task 13. Match the words on the left with their definitions on the right. Use them in the sentences of your own.

1. negligence	a) the condition of being unable to perform a task or function because of a typical or mental impairment;
2. adoption	b) an association of employees formed to improve their incomes and working conditions by collective bargaining with the employer or employer organizations;
3. defamation	c) taking a child into one family as a relation, esp. as a son or a daughter, with legal guardianship;
4. custody	d) a civil wrong whereby a person or party is in breach of a legal duty of care to another which results in loss or injury to the claimant;
5. disability	e) the injuring of a person's good name or reputation;
6. trade union	f) the act of keeping safe or guarding, esp. the right of guardianship of a minor.

Task 14. Translate these sentences into English.

- У світі існує чотири різні класифікації права: матеріальне право та процесуальне право, публічне та приватне, кримінальне та цивільне, а також країни, де застосовується загальне право і країни, де застосовується цивільне право.
- Деякі функції права включають: збереження миру, перевірка повноважень уряду та сприяння особистій свободі, сприяння плануванню та реалізація поміркованих сподівань, сприяння економічному зростанню завдяки вільній конкуренції, сприяння соціальному правосуддю та захист навколишнього середовища.
- Один із способів, щоб підсумувати відмінність між матеріальним та процесуальним правом полягає в наступному: матеріальні норми права визначають права та обов'язки в той час як процесуальні норми забезпечують механізм посилення цих правил та обов'язків.
- Цивільне право у свою чергу ділиться на договірне право, сімейне право, конституційне право, адміністративне право, морське, церковне та інші права.
- Українське право зазвичай ділиться на наступні сфери публічне право, приватне право, міжнародне право, кримінальне право, цивільне право, конституційне, адміністративне та ін.
- Основна відмінність між цивільним та кримінальним правом США стосується наступних ключових питань: сторона, яка подає позов; поняття покарання; ефект покарання; тягар доказів; захист для кримінальних обвинувачуваних; незнання закону не звільняє від відповідальності.

Task 15. Read and translate the text in written form into Ukrainian.

There are four different classifications of law that are found around the world.

1. **Substantive of laws vs. Procedures of laws-** Substantive of law is the substance that makes up a law. It is the meaning of a law that explains what you can and cannot do. For example the law states that you cannot murder another human being unless it was in self defense, you were under duress, or if you were drugged by another person. Unlike substantive of law, procedures of laws are just the steps that must take place when filing a lawsuit against another party.

2. **Public vs. Private Law-** Public law simply means that the government is involved. Public law is any law that has to do with the constitution and the public. This type of law normally involves a criminal suit were the government is prosecuting a citizen for a crime they allegedly committed. Private laws are laws that do not involve the government, and are laws that allow one private entity to sue another private entity in a civil lawsuit.

3. **Criminal vs. Civil Law-** Criminal law was created to protect the public from the government or from themselves. Criminal laws were created so that the government could not prosecute individuals without due process and so that the public could protect themselves from each other. Civil law are cases where one or both parties are looking for compensation instead of jail time. Civil law covers anything that criminal law does not cover in the court system.

4. **Common vs. Civil law countries-** Common law countries prosecute with the concept of "Stare Decisis" meaning, let the decision stand. This means that these countries such as the United States of America make decisions based on precedent. These countries are case law countries and look at how past cases were decided and use that in the decision process when prosecuting. Unlike common law countries, civil law countries do not rely on precedent but instead prosecute lawsuits on a case to case basis without looking at how past cases had been decided.

Section 3. Exercises for Oral Practice

BRAINSTORM

In matters of truth and justice, there is no difference between large and small problems, for issues concerning the treatment of people are all the same.

Albert Einstein

What is your understanding of these words?

Task 16. Make up dialogues and act them.

1. Discuss the definition of *law* and the main functions of law.

2. Dwell on the main ways to classify the law.
3. Describe the difference between substantive law and procedural law.
4. Compare the differences of applying criminal and civil law.
5. Dwell on the main subdivisions of civil law under the English common law.
6. Compare the classification of law in Ukraine and Great Britain.

Task 17. Read the text. Write down the unknown words and words expressions. Put 10-15 questions to the text. Discuss with your partner the main items of the text.

Ukrainian law is commonly divided in the following areas:

- Public law
- Private law
- International law

These areas of the legal system are further subdivided into:

- Civil law (including Family law, Inheritance law, Contract law and Commercial law, Law of Obligations, Property law, Intellectual property law, Companies law, Land law, Tort law)
- Criminal law, Penal law
- Constitutional law (including laws on the structure of the state)
- Administrative law
- International law

Civil law regulates the everyday life of persons and other legal entities, such as corporations. The main code of Ukrainian civil law is the *Civil Code of Ukraine*. It comprises provisions governing ownership, intellectual property rights, contracts, torts, obligations, inheritance law, and the definition of legal entities. The Code introduces new types of business contracts into the legal practice, including factoring, franchising, rent service, and inherited contracts. Civil litigation is governed by *The Civil Procedural Code of Ukraine*.

Criminal law deals with the prosecution and punishment of criminal offenses. The *Criminal Code of Ukraine* contains the written criminal laws of Ukraine.

There is no capital punishment in Ukraine. The maximum criminal punishment is life imprisonment, which can be reduced by decree of President of Ukraine to 25 years of imprisonment after 20 years of sentence service. The Parliament of Ukraine has the power of amnesty for prisoners not serving life sentences citation needed. Criminal proceedings, investigation, and court examination in criminal trials are regulated by *The Criminal Procedural Code of Ukraine*.

Constitutional law considers the constitution and the structure of Ukraine. It regulates the powers of democratic institutions, the organization of elections and the divisions of powers between central and local government. Only the Constitutional Court of Ukraine is allowed to determine the constitutionality of laws created by the legislature.

Administrative law is the area of law that regulates the operation of the various levels of government and the way in which persons and legal entities can appeal

decisions of the government. The main code of Ukrainian administrative law is *The Administrative Code of Ukraine*.

International law involves the application of international laws (mostly laid down in treaties) in Ukraine. International agreements, ratified by the Parliament of Ukraine, are a part of Ukrainian legislation. The Constitution of Ukraine allows the direct application of most international laws in Ukrainian courts. If an international agreement of Ukraine prescribes rules other than those set by the Law of Ukraine, the rules of that international agreement shall apply. Laws regulating jurisdiction with an international aspect (e.g. because parties come from different countries) are not part of international law but form a specific branch of civil law.

On September 2005, the Law of Ukraine *On Private International Law* was enacted. The Law sets the procedure for the regulation of private legal relations which are subject to other legal systems in addition to that of Ukraine.

Commercial law: *The Commercial Code of Ukraine* describes the details of compliance with the Constitution of Ukraine clauses for commercial activity. The Code regulates the fundamentals of commercial activity, including business entities, property basis, responsibility for violations, peculiarities of legal regulation, and foreign commerce.

Task 18. Read the text and speak on the main differences between Civil and Criminal Law in the USA. Check the meaning of the words in bold.

Differences between Civil and Criminal Law in the USA

Criminal law is much better known to laymen than civil law, as a result of journalists' reports of famous criminal trials. People often misapply principles from criminal law to situations in civil (e.g., tort) law, which results in their misunderstanding. That's why it is necessary to compare and contrast criminal and civil law.

In civil law, a private party (e.g., a corporation or individual person) **files the lawsuit** and becomes the **plaintiff**. In criminal law, the **litigation** is always filed by the government, who is called the **prosecution**.

punishment

One of the most fundamental distinctions between civil and criminal law is in the notion of **punishment**.

In criminal law, a guilty defendant is punished by either (1) **incarceration** in a **jail** or **prison**, (2) **fine** paid to the government, or, in exceptional cases, (3) **execution** of the defendant: the **death penalty**. Crimes are divided into two broad classes: *felonies* have a maximum possible **sentence** of more than one year incarceration; *misdemeanors* have a maximum possible sentence of less than one year incarceration.

In contrast, a defendant *in civil litigation* is *never* **incarcerated** and never **executed**. In general, a losing defendant in civil litigation only **reimburses** the plaintiff for **losses** caused by the defendant's behavior.

effect of punishment

The notion that the threat of punishment will **deter criminal conduct** is based on the principle that human beings are rational. In practice, **criminals** are either impulsive (i.e., *not* rational) or believe that they will not be caught by the police. Therefore, the threat of punishment does *not* deter criminal conduct, as one is reminded every day by reading reports of journalists.

Legal theory considers the possibility of loss of freedom (i.e., incarceration) as much more serious than merely paying damages to an injured plaintiff. As a result of this high value placed on personal freedom, legal dogma is that criminal litigation is more serious than civil litigation; therefore criminal defendants have more rights and protections than civil defendants. The economic reality is that most people would prefer to spend, for example, one year in prison, than pay a million dollars from their personal assets.

burden of proof

In criminal litigation, the **burden of proof** is *always* on the state. The state must **prove** that the defendant is guilty. The defendant is *assumed* to be **innocent**; the defendant needs **to prove** nothing. (There are exceptions. If the defendant wishes to claim that he/she is **insane**, and therefore not guilty, the defendant bears the burden of proving his/her **insanity**. Other exceptions include defendants who claim **self-defense** or **duress**.)

In civil litigation, the burden of proof is *initially* on the plaintiff. The plaintiff wins if the **preponderance of the evidence** favors the plaintiff.

protections for criminal defendants

The U.S. Constitution: specifies a number of **protections**:

1. No ex post facto law. If an act was lawful when it was performed, the performer cannot **be convicted** of a crime as a result of a law enacted after the performance.
2. **prohibition** against "**unreasonable searches and seizures**";
3. prohibition of **double jeopardy**;
4. prohibition against compelled **self-incrimination**;
5. the right to a **speedy trial**;
6. the right to the **assistance of counsel**.

Indigent defendants have the right to an **attorney** who is paid by the state, even during **custodial questioning** by police.

These protections are *not* available in civil law. The standard in tort cases is what a reasonable and **prudent man** would have done the details of applying this standard to the facts of the case is decided by the jury and *unknown* to the defendant until the end of the trial. In criminal law, police generally must first obtain a search warrant in a proceeding showing a "neutral and detached" magistrate that there is "probable cause", before searching or seizing items from a person's house.

In civil law, an attorney

- may request documents or a visit inside a building ;

- may demand information from the **opposing party** about any matter that is **relevant to the case**, provided that information is not privileged
- may properly demand information that would be **inadmissible** at trial, if such demand "appears reasonably calculated to lead to the discovery of **admissible evidence**"
- and may even take the deposition of nonparties in a civil case, and require them to bring documents with them.

The prohibition against double jeopardy applies *only* to criminal trials. The corresponding concept in civil litigation is *res judicata*: one can have only one trial for claims arising from one transaction or occurrence.

In a criminal case, the **suspect** or defendant has the right **to remain silent** during questioning by police and **prosecuting attorneys**. In a criminal case, the defendant may choose to refuse to be a **witness**, and the jury may infer *nothing* from the defendant's choice not **to testify**. However, in a civil case, the defendant must be available and cooperative for depositions and **testimony** as a witness in the trial. In fact, the defendant in a civil must voluntarily provide his/her opponent with a copy of documents "in the possession, custody, or control of the party that are relevant to disputed facts alleged with particularity in the pleadings." Further, the defendant in a civil case must voluntarily provide names of people who are "likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings." In other words, the defendant in a civil case must help his/her opponent collect evidence that will defeat the defendant. And, at trial, if a party invokes their Fifth Amendment privilege against self-incrimination, then the judge will instruct the jury that they may make an adverse inference against the party who refused to testify. There are often several years between the filing of a complaint in a civil case and the trial. People who can not pay for an attorney (legal fees for trial preparation often run to more than US\$ 100,000) are practically *unable* to obtain access to the courts in civil cases. The one notable exception is in tort law, where attorneys for plaintiffs often take cases with the possibility of large awards (e.g., more than US\$ 500,000) on a contingency fee: the attorney is paid, for example, 1/3 of any award, but the attorney is paid nothing for his/her time if plaintiff loses. However, the plaintiff usually pays for expert witnesses, deposition transcripts, and other expenses. These expenses can be tens of thousands of dollars.

ignorance of the law is no excuse

Ignorance of the law excuses no man. If a defendant were allowed to **escape** legal responsibility for his acts, merely by saying "I didn't know it was wrong/illegal", the system of using law to regulate human conduct would collapse.

Task 19. Topics for discussion.

7. Give the definition of *law* and speak on the main functions of law.
8. The main ways to classify the law.
9. The difference between substantive law and procedural law.
10. The distinction between criminal and civil law.
11. Dwell on the main subdivisions of civil law.
12. Compare the classification of law in Ukraine and Great Britain.

FOR FUN

A defendant isn't happy with how things are going in court, so he gives the judge a hard time.

Judge: "Where do you work?"

Defendant: "Here and there."

Judge: "What do you do for a living?"

Defendant: "This and that."

Judge: "Take him away."

Defendant: "Wait; when will I get out?"

Judge: "Sooner or later."

The attorney tells the accused, "I have some good news and some bad news."

"What's the bad news?" asks the accused.

"The bad news is, your blood is all over the crime scene, and the DNA tests prove you did it."

"What's the good news?"

"Your cholesterol is 130."

If you're interested in becoming a lawyer, you'll need a degree. But as these court transcripts reveal, the question is, in what?

Attorney: "How was your first marriage terminated?"

Witness: "By death."

Attorney: "And by whose death was it terminated?"

Witness: "Guess."

Attorney: "Doctor, how many of your autopsies have you performed on dead people?"

Witness: "All of them. The live ones put up too much of a fight."

A certain lawyer was quite wealthy and had a summer house in the country, to which he retreated for several weeks of the year. Each summer, the lawyer would invite a different friend of his (no, that's not the punch line) to spend a week or two up at this place, which happened to be in a backwoods section of Maine.

On one particular occasion, he invited a Czech friend to stay with him. The friend, eager to get a freebee off a lawyer, agreed. Well, they had a splendid time in the country - rising early and living in the great outdoors.

Early one morning, the lawyer and his Czech companion went out to pick berries for their morning breakfast. As they went around the berry patch, gathering blueberries and raspberries in tremendous quantities, along came two huge Bears - a male and a female.

Well, the lawyer, seeing the two bears, immediately dashed for cover. His friend, though, wasn't so lucky, and the male bear reached him and swallowed him whole.

The lawyer ran back to his Mercedes, tore into town as fast as he could, and got the local backwoods sheriff. The sheriff grabbed his shotgun and dashed back to the berry patch with the lawyer. Sure enough, the two bears were still there.

"He's in **THAT** one!" cried the lawyer, pointing to the male, while visions of lawsuits from his friend's family danced in his head. He just had to save his friend.

The sheriff looked at the bears, and without batting an eye, leveled his gun, took careful aim, and **SHOT THE FEMALE**.

"What do you do that for!" exclaimed the lawyer, "I said he was in the other!"

"Exactly," replied the sheriff, "and would **YOU** believe a lawyer who told you that the Czech was in the Male?"

UNIT 6

International law

Section 1. Text Work

Task 1. Answer these questions:

1. What legal area does international law cover?
2. What way can international agreements become a part of Ukrainian legislation?
3. Is there any law in Ukraine which allows the direct application of most international laws in Ukrainian courts?
4. If an international agreement of Ukraine prescribes rules other than those set by the Law of Ukraine, which of them shall be applied?
5. What law concerning international regulation was adopted by the Ukrainian Parliament on September 2005?

Task 2. Read and memorize the active vocabulary to the text *International law*

to interact	– взаємодіяти
supranational law	– право міжнародних організацій
entity	– економічний суб'єкт
the Holy See	– папський престол
movement of national liberation	– рух за національне визволення
armed insurrectional movement	– озброєний повстанський рух
applicable	– придатний, застосовний
inapplicable	– непридатний, незастосовний
domain	– область, галузь, сфера
International security law	– Право міжнародної безпеки
International environmental law	– Міжнародне екологічне право
International human rights law	– Міжнародне право із захисту людських прав
conventional law	– договірне право
generally	– звичайно, як правило, взагалі
consistently	– послідовно
a sense of legal obligation	– відчуття правового обов'язку
to derive (from)	– походити
to agree upon	– погоджуватись про що-н.
contracting party	– сторона договору
to assign	– призначати, закріплювати
peremptory	– безапеляційний, безумовний
derogation	– применшення(прав), приниження
subsequent	– наступний, такий
peremptory norm	– безумовна норма
inappropriate	– недоречний, невідповідний

Task 3. Read and translate the text, write down all the unknown words.

International law

International law is a body of laws, regulations, and accepted practices by which different nations throughout the world interact with each other as well as with their own citizens and citizens of other countries. The term "international law" can refer to three distinct legal disciplines: *public international law*, *private international law* (or conflict of laws), and *supranational law* (or the law of supranational organizations).

Public international law concerns the relationships between the entities or legal persons which are considered the subjects of international law, including sovereign nations, the legal status of the Holy See, international organizations (including especially intergovernmental organizations such as the United Nations), and in some cases, movements of national liberation (wars of national liberation) and armed insurrectional movements.

Private international law governs conflicts between private persons, rather than states. It concerns the questions of which jurisdiction should be permitted to hear a legal dispute between private parties, and which jurisdiction's law should be applied, therefore raising issues of international law.

Supranational law concerns at present regional agreements where the special distinguishing quality is that laws of nation states are held inapplicable when conflicting with a supranational legal system.

International Law includes the basic, classic concepts of law in national legal systems - status, property, obligation, and tort (or delict). It also includes substantive law, procedure, process and remedies. International Law is rooted in acceptance by the nation states which constitute the system. The following are major substantive fields of international law: International economic law, International security law, International criminal law, International environmental law, Diplomatic law, International humanitarian law or law of war, International human rights law.

Customary law and *conventional law* are primary sources of international law. *Customary international law* results when states follow certain practices generally and consistently out of a sense of legal obligation. *Conventional international law* derives from international agreements and may take any form that the contracting parties agree upon. Customary law and law made by international agreement have equal authority as international law. Parties may assign higher priority to one of the sources by agreement. However, some rules of international law are recognized by international community as peremptory, permitting no derogation. Such rules can be changed or modified only by a subsequent peremptory norm of international law.

General principles common to systems of national law is a secondary source of international law. There are situations where neither conventional nor customary international law can be applicable. In this case a general principle may be invoked

as a rule of international law because it is a general principle common to the major legal systems of the world and not inappropriate for international claims.

Traditionally, states were the main subject of international law. Increasingly, individuals and non-state international organizations have also become subject to international regulation.

Task 4. Read the text with the proper pronunciation of the words and intonation. Remember that your reading time is not more than 3 minutes.

Task 5. Answer the following questions.

1. Give the definition of the international law.
2. What three distinct legal disciplines can the term 'international law' refer to?
3. What relationships does public international law concern?
4. What conflicts does private international law govern?
5. What kind of agreements does supranational law concern at present?
6. What are the domains of international Law?
7. Name the main sources of international Law.
8. How do you understand the term customary international law/ conventional international law?
9. What principles can be applicable in the situations where one can't apply neither conventional nor customary international law?
10. What entities can be subjects to international regulation?

Task 6. Pick out from the text all the word combinations with the following words and give their Ukrainian equivalents.

international, customary, conventional, public, private

Section 2. Exercises to Be Done In Writing

Task 7. Make sure that you know the meaning of these words and word combinations in Ukrainian.

a body of laws and regulations, to interact with citizens of other countries, to refer to, relationships between the entities, the Holy See, intergovernmental organizations, movement of national liberation, a war of national liberation, an armed insurrectional movement, to permit jurisdiction, to apply a jurisdiction's law, inapplicable/applicable, status, property, obligation, and tort/delict, procedure, process, remedy, to root, to constitute a system, International security law, International environmental law, International humanitarian law, International human rights law, primary sources of international law, to follow a certain practice, a sense of legal obligation, to derive from, to agree upon, to assign priority to one of the sources by agreement, to be recognized, to permit derogation, a subsequent peremptory norm, to invoke, to be inappropriate for international claims, a subject to international regulation.

Task 8. Make sure that you know the meaning of these words and word combinations in English.

взаємодіяти один з одним, публічне міжнародне право, приватне міжнародне право, право міжнародних організацій, стосунки між юридичними особами, суб'єкт міжнародного права, суверенні нації, правовий статус, міжурядові організації, Організація об'єднаних націй, управляти конфліктами, заслуховувати правову суперечку, регіональна угода, основні концепти права, сфера міжнародного права, Міжнародне економічне право, Міжнародне кримінальне право, Дипломатичне право, Міжнародне гуманітарне право, Міжнародне право із захисту людських прав, звичаєве право, договірне право, дотримуватись певної практики, почуття правового обов'язку, походити від/простежувати походження, погоджуватись щодо, передавати право на пріоритет одному із джерел за згодою, бути визнаним, міжнародна спільнота, часткове скасування закону, безумовна норма, предмет міжнародного права.

Task 9. Translate the following sentences and pay special attention to the underlined words or phrases.

1. International law is the term commonly used for referring to laws that govern the conduct of independent nations in their relationships with one another.
2. Public international law includes the following specific legal field such as the treaty law, law of sea, international criminal law and the international humanitarian law.
3. Sources of international Law are the materials and processes out of which the rules and principles regulating the international community developed.
4. Norms of international law have their source in either 1) custom, or customary international law (consistent provincial practice accompanied by *opinio juris*), 2) globally accepted standards of behaviour (peremptory norms known as *jus cogens* or *ius cogens*), or 3) codifications contained in conventional agreements, generally termed treaties.
5. Article 13 of the United Nations Charter obligates the UN General Assembly to initiate studies and make recommendations which encourage the progressive development of international law and its codification.
6. Evidence of consensus or state practice can sometimes be derived from intergovernmental resolutions or academic and expert legal opinions (sometimes collectively termed soft law).

Task 10. Make the following sentences complete by translating the phrases in brackets.

1. (Міжнародне право розглядається як систему правил) that nations recognize as binding upon one another in their mutual relations.
2. Only the state of which an individual is a national (може поскаржитись на ущемлення його прав до міжнародного трибуналу).
3. (Порушенням міжнародного права вважається) to treat an alien in a manner which does not satisfy the (міжнародний стандарт правосуддя).

4. Recently (звичаєве право було кодифіковане) in the Vienna Convention on the Law of Treaties.
5. (Приватне міжнародне право) deals with controversies between (приватними особами), natural or juridical, arising out of situations having significant relationship to more than one nation.
6. (Публічне міжнародне право) includes the following specific legal field such as the treaty law, law of sea, (міжнародне кримінальне право та міжнародне гуманітарне право).

Task 11. Give synonyms to the words in bold type.

to happen, to provide, extremely serious, court, country, to set up

1. The central concern of international law is the relations among **states**.
2. Conventional international law is that part of international law which **is established** by convention or treaty.
3. The word “justiciable” is used to describe disputes of a kind that can be resolved justly and peacefully by impartial **tribunal** on the basis of commonly accepted legal principles.
4. International law **gives** criteria and procedures for the settlement of international disputes.
5. Most nations are said to comply with International Law, but that appears questionable considering the number of human rights violations still **occurring** around the world.
6. The international community is generally against the use of force except in the **direst** circumstances.

Task 12. Complete the following expressions choosing a suitable preposition from the list below; find the best way of expressing them in Ukrainian.

between, of, to, throughout, by, from

1. Public international law concerns the relationships ... the entities or legal persons which are considered the subjects of international law.
2. Conventional international law derives ... international agreements.
3. Individuals and non-state international organizations have become subject ... international regulation.
4. Customary law and conventional law are primary sources ... international law.
5. Some rules of international law are recognized ... international community as peremptory, permitting no derogation.
6. International law is a body of laws, regulations, and accepted practices by which different nations ... the world interact with each other as well as with their own citizens and citizens of other countries.

Task 13. Match the words on the left with their definitions on the right. Use them in the sentences of your own.

1. the Holy See	a) a civil wrong arising from an act or failure to act, independently of any contract, for which an action for personal injury or property damages may be brought
2. to interact	
3. tort	
4. remedy	b) demand recognition of the fact that one is, owns or has a right to something
5. derogation	
6. claim	c) district under the Pope's jurisdiction d) lessening (of authority, dignity, reputation, etc.) e) cure, method of, something used for, putting something right f) to act on each other

Task 14. Translate these sentences into English.

1. Міжнародне право це правова система, яка складається з принципів і норм, якими регулюються відносини між її суб'єктами, державами, міжнародними організаціями.
2. За допомогою міжнародного права держави встановлюють загальноприйняті стандарти поведінки, воно є засобом міжнародного співробітництва у різних галузях суспільного життя.
3. У багатьох державах, у тому числі в Україні, ратифіковані міжнародні договори вважаються частиною національного законодавства, а у разі розбіжностей між положеннями національного закону і міжнародного договору діють норми останнього.
4. Приватне міжнародне право регулює цивільно-правові відносини з іноземним елементом.
5. Публічне міжнародне право регулює відносини між державами, між міжнародними організаціями, між держава і міжнародними організаціями.
6. Особливе місце у кодифікаційному процесі належить ООН, у рамках якої з 1947 року діє Міжнародна Комісія Права ООН.

Task 15. Read and translate the text in written form into Ukrainian.

The History of International Law

International law has existed since the Middle Ages (see Islamic international law), but much of its modern corpus began developing from the mid-19th century. In the 20th century, the two World Wars and the formation of the League of Nations (and other international organizations such as the International Labor Organization) all contributed to accelerate this process and established much of the foundations of modern public international law. After the failure of the Treaty of Versailles and World War II, the League of Nations was replaced by the United Nations, founded under the UN Charter. The UN has also been the locus for the development of new advisory (non-binding) standards, such as the Universal Declaration of Human Rights. Other international norms and laws have been established through international agreements, including the Geneva Conventions on the conduct of war or armed conflict, as well as by agreements implemented by

other international organizations such as the ILO, the World Health Organization, the World Intellectual Property Organization, the International Telecommunication Union, UNESCO, the World Trade Organization, and the International Monetary Fund. The development and consolidation of such conventions and agreements has proven to be of great importance in the realm of international relations.

Section 3. Exercises for Oral Practice

BRAINSTORM

When a judge sits in judgment over a fellow man, he should feel as if a sword is pointed at his own heart.

Talmud

Where law ends, tyranny begins.

William Pitt, British Statesman, 18th Century

What is your understanding of these words?

Task 16. Make up dialogues and act them.

1. Speak on the stages the International Law has passed while becoming the distinctive body of Law.
2. Discuss the sphere of application of Public international law vs Private international law and Supranational law
3. Dwell on the main domains of International Law.
4. Discuss with your partner the main sources of International Law.

Task 17. Read and discuss with your partner the main items of the text.

International Law

By its nature, international law is a common concern of all states, a product of legal culture, thought, experience of many different societies. The central concern of international law is the relations among states. The role of international law is to establish a workable framework for intergovernmental relations, and to provide criteria and procedures for the settlement of international disputes which are, or can be made, justiciable.

“Justiciable” is a lawyer’s word. It is used to describe disputes of a kind that can be resolved justly and peacefully by impartial tribunal on the basis of commonly accepted legal principles. In any civilized society, there are an immense range and variety of disputes that are justiciable, and are effectively resolved under law. In even the most highly civilized and law-abiding states, however, many disputes are generally recognized to be nonjusticiable. They must be resolved through factors and processes other than adjudication.

As the life of a legal system is measured, international law is still young. Its beginnings are usually traced to the middle of seventeenth century or the early part of the seventeenth century in Europe. Until the nineteenth century, it was essentially a European, and largely a West European development. Since the beginning of the nineteenth century, international law has had to grow and accommodate itself to a much vaster international society, comprehending the states of North and South America, Asia, Africa and Australia.

International law is partly customary and partly conventional. Customary international law reflects a consensus among nations, which through common practice used long enough has crystallized into law. Conventional international law is that part of international law which is established by convention or treaty.

Task 18. Read the text and speak on the main international communities and unions.

Supranational law

The European Union

European Union law (historically called European Community law) is a body of treaties, law and court judgments which operates alongside the legal systems of the European Union's member states. It has direct effect within the EU's member states and, where conflict occurs, takes precedence over national law. The primary source of EU law is the EU's treaties. These are power-giving treaties which set broad policy goals and establish institutions that, amongst other things, can enact legislation in order to achieve those goals. The legislative acts of the EU come in two forms: regulations and directives. Regulations become law in all member states the moment they come into force, without the requirement for any implementing measures, and automatically override conflicting domestic provisions. Directives require member states to achieve a certain result while leaving them discretion as to how to achieve the result. The details of how they are to be implemented are left to member states.

East Africa Community

There are ambitions to make the East African Community, consisting of Kenya, Tanzania, Uganda, Burundi and Rwanda, a political federation with its own form of binding supranational law by 2010.

Union of South American Nations

The Union of South American Nations is an organization on the South American continent. It intends to establish a framework akin to the European Union by the end of 2019. It is envisaged to have its own passport and currency, and limit barriers to trade.

Andean Community of Nations

The Andean Community of Nations is the first attempt the countries around the Andes Mountains in South America. It started with the Cartagena Agreement of 26

May 1969, and nowadays consists in four countries: Bolivia, Colombia, Ecuador and Peru. It does have a supranational law, called Agreements, which are mandatory for these countries.

Task 19. Topics for discussion.

1. The History of International Law
2. Public international law
3. Private international law
4. Supranational law
5. Domains of International Law
6. Sources of International Law

JUST FOR FUN

The Judge asked the defendant, ‘Mr.Jones, do you understand that you have sworn to tell the truth, the whole truth and nothing but the truth?’

‘I do.’

‘Now what do you you say to defend yourself?’

‘Your honor, under those limitations... nothing.’

The judge said to his dentist: ‘Pull my tooth, the whole tooth and nothing but the tooth.’

Judge: Have you anything to offer to this Court before I pass sentence?’

Defendant: No, your Honor, my lawyer took every penny.

*Section 1. Text Work***Task 1. Answer these questions:**

There are many different international organizations in the world today. But some of them can influence the life of the nations greatly. What come up to your mind while mentioning the United Nations Organization? Do you remember what departments it is composed of?

Task 2. Read and memorize the active vocabulary to the text *United Nations Organization*

at the invitation of	– на запрошення
to admit	– допускати
to recognize	– визнавати
a founding member	– країна-засновник
post - war government	– післявоєнний уряд
to reserve	– зарезервувати
signature	– підпис
Charter	– хартія
in tribute to	– в данину
to convene	– скликати, збирати
world body	– світова організація
to accept by acclamation	– приймати схвально
to affix signature	– ставити підпис
to be devoted to	– бути присвяченим чомусь
sin	– гріх
to gain support	– отримувати підтримку
to emerge from	– виникати з
to preserve peace	– зберігати мир
to be obligated to	– бути зобов'язаним
to refrain from	– утримуватись
to take preventive actions	– застосовувати превентивні /попереджувальні дії
to take enforcement actions	– застосовувати примусові дії
to intervene	– втручатися
domestic jurisdiction	– внутрішня юрисдикція
maintenance of world peace	– збереження миру у світі
to maintain	– зберігати
to establish conditions	– створювати умови
to seek (sought, sought)	– шукати
respect for	– повага до
to promote social progress	– сприяти соціальному прогресу
to promote better standards of life	– сприяти кращим стандартам життя

to provide the means	– забезпечувати засобами
to facilitate peaceful change	– сприяти змінам /просувати зміни
with the exception of	– за винятком
a renewable term	– поновлений термін
to report to	– звітувати перед
permanent member	– постійний член
the General Assembly	– Генеральна Асамблея
Security Council	– Рада Безпеки
Economic and Social Council	– Економічна та соціальна Рада
Trusteeship Council	– Рада Опіки
Secretary-General	– Генеральний Секретар

Task 3. Read and translate the text, write down all the unknown words.

United Nations Organization

At the invitation of the United States, delegates from 51 nations met in San Francisco between 25 April and 26 June, 1945. Argentina, the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic were admitted to the Conference on 30 April. Poland, recognized as one of the Organization's founding members, was unrepresented because its post-war government had not been formed, but space was reserved for its signature on the Charter. Meeting in San Francisco Opera House, the delegates worked in four main commissions and 12 technical committees. In tribute to the memory of President Roosevelt, who died just before the Conference convened, his proposal that the new world body be called the «United Nations» was accepted by acclamation. It was also decided that the first nation to affix its signature to the Charter would be China, the first country to be attacked in the Second World War.

The General Assembly decided that 24 October should henceforth be officially called «United Nations Day» and be devoted to making known to the peoples of the world the sins and achievements of the Organization and to gaining their support for its work.

The Charter that emerged from San Francisco provided a constitution for an organization to preserve peace and promote social progress and better standards of life in larger freedom. All nations signing the Charter are obligated to settle international disputes by peaceful means and to refrain from the threat or use of force against the territorial integrity or political independence of any other State. They must also refrain from giving assistance to any State against which the United Nations is taking preventive or enforcement action. Nothing, however, in the Charter authorizes the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State.

While the primary aim is the maintenance of world peace, the Charter sought also «to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom». Its six «principal organs», named in the Charter, provide the means to build agreement

and facilitate peaceful change, but unless Governments are willing to work together the machinery cannot operate.

With the exception of the International Court of Justice which has its seat at the Hague in the Netherlands, all the principal organs are based in New York.

The six principal organs are:

- **the General Assembly**, in which all Member State are represented (more than 192);
- **the 15-member Security Council**, with five permanent members (China, France, Russia, the United Kingdom and the United States) and 10 other members elected by the General Assembly for two-year terms;
- **the 54-member Economic and Social Council**, which is elected by and reports to the General Assembly;
- **the five-member Trusteeship Council**, which reports to the Security Council;
- **the 15-member International Court of Justice**, with the judges elected for 9-year terms by the General Assembly and Security Council jointly;
- **an internationally staffed Secretariat** headed by a Secretary-General who is appointed by the General Assembly on the recommendations of the Security Council for a renewable term, usually five years.

Every Country sends 5 delegates but has only one vote at the meeting. The head of the delegation is usually the Minister of Foreign Affairs. The General Assembly meets once a year, in September.

Task 4. Read the text with the proper pronunciation of the words and intonation. Remember that your reading time is not more than 3 minutes.

Task 5. Answer the following questions.

1. Why did the delegations from 50 nations meet in San Francisco after the World War II? Name the date.
2. When was the Ukrainian Soviet Socialist Republic admitted to the Conference?
3. Why was Poland unrepresented?
4. What building was chosen for the meeting?
5. How was the work of the delegates organized?
6. Why was the new world body called the «United Nations»?
7. Why was China the first nation to affix its signature to the Charter?
8. When is United Nations Day celebrated?
9. What kind of document is the Charter of the UNO?
10. What are the main principles of the Charter?
11. What are all nations signing the Charter obligated to?
12. How must the nations behave if the United Nations is taking preventive or enforcement action against some state?
13. Under what conditions can the United Nations intervene in matters of any State?
14. What are six principal organs of the UNO?

15. What do the principal organs of the UNO provide?
16. Where are the principal organs based?
17. Where is the International Court of Justice located?
18. How many states are represented in the General Assembly?
19. How are the seats in the Security Council divided?
20. What body does the Economic and Social Council report to?
21. What body does the Trusteeship Council report to?
22. How are the judges of the International Court of Justice elected?
23. Who appoints a Secretary-General of the General Assembly?
24. When does the General Assembly meet?

Task 6. Pick out from the text all the word combinations with the following words and give their Ukrainian equivalents.

charter, provide, council, delegate, refrain

Section 2. Exercises to Be Done In Writing

Task 7. Make sure that you know the meaning of these words and word combinations in Ukrainian.

to admit, to reserve a space, the Charter of the UNO, in tribute to the memory, to convene a conference, to be accepted by acclamation, to affix as signature to the Charter, to emerge from, to provide for, to promote better standards of life, to be obligated to, to refrain from threat, to take preventive or enforcement action, to authorize, maintenance of world peace, to build agreement, to facilitate peaceful change, with the exception of, the Economic and Social Council, the Trusteeship Council, an internationally staffed Secretariat, a permanent member, a Secretary-General

Task 8. Make sure that you know the meaning of these words and word combinations in English.

на запрошення, країна-засновник, зформувати післявоєнний уряд, підписуваєм/підпис, присвячувати/віддаватись повністю, гріх/невдача, отримувати підтримку, зберігати мир, сприяти соціальному прогресу, вирішувати міжнародні суперечки мирними засобами, утримуватись від використання сили, територіальна цілісність, політична незалежність, надавати допомогу, втручатись, внутрішня юрисдикція держави, повага до, джерела міжнародного права, Міжнародний суд справедливості, Генеральна асамблея ООН, Рада Безпеки ООН, Генеральний секретар ООН, Міністр закордонних справ

Task 9. Translate the following sentences and pay special attention to the underlined words or phrases.

1. The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945.
2. The United Nations is an international organization founded in 1945 after the Second World War by 51 countries committed to maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights.
3. Due to its unique international character, and the powers vested in its founding Charter, the Organization can take action on a wide range of issues.
4. The UNO can provide a forum for its 192 Member States to express their views, through the General Assembly, the Security Council, the Economic and Social Council and other bodies and committees.
5. The Organization works on a broad range of fundamental issues, from sustainable development, environment and refugees protection, disaster relief, counter terrorism, disarmament and non-proliferation, to promoting democracy, human rights, governance, economic and social development and international health, clearing landmines, expanding food production, and more, in order to achieve its goals and coordinate efforts for a safer world for this and future generations.
6. Although best known for peacekeeping, peace-building, conflict prevention and humanitarian assistance, there are many other ways the United Nations and its System (specialized agencies, funds and programmes) affect our lives and make the world a better place.

Task 10. Make the following sentences complete by translating the phrases in brackets.

1. The General Assembly is (головний дорадчий орган) of the UN and is composed of representatives of all Member States.
2. Voting in the Economic and Social Council is by simple majority; (кожен член має один голос).
3. The International Court of Justice, located at the Hague in the Netherlands, is the (основний судовий орган ООН).
4. The Security Council has primary responsibility, under the UN Charter, for the (дотримання миру та безпеки у світі).
5. The Secretariat (виконує щоденну роботу організації).
6. The Trusteeship Council (була заснована в 1945 році Хартією ООН) to provide international supervision for 11 Trust Territories.

Task 11. Give synonyms to the words in bold type.

representatives, treaties, to intervene, main law, to advance, to maintain,

1. Minority rights are protected by the UN **charter**.
2. The UN attempted **to mediate** a solution to the conflict.
3. The conference was attended by **delegates** from 56 countries.

4. Efforts **to preserve** the peace have failed.
5. The countries drew up **accords** on economic and technical cooperation.
6. These measures are designed **to promote** economic growth.

Task 12. Complete the following sentences choosing a suitable preposition from the list below; find the best way of expressing them in Ukrainian.

against, in, to, with, by, from

1. The proposal of President Roosevelt to call the new world body the «United Nations» was accepted ... acclamation.
2. All nations signing the Charter are obligated to refrain from the threat or use of force ... the territorial integrity or political independence of any other State.
3. The states must refrain ... giving assistance to any State against which the United Nations is taking preventive or enforcement action.
4. ... the exception of the International Court of Justice all the principal organs are based in New York.
5. The first nation to affix its signature ... the Charter of the UNO was China, the first country to be attacked in the Second World War.
6. Nothing in the Charter authorizes the United Nations to intervene ... matters which are essentially within the domestic jurisdiction of any State.

Task 13. Match the words on the left with their definitions on the right. Use them in the sentences of your own.

1. council	a) to continue or retain; keep in existence;
2. security	b) a formal document from the sovereign or state incorporating a city, bank, college, etc., and specifying its purposes and right;
3. domestic jurisdiction	c) to put at the disposal of; furnish or supply;
4. to maintain	d) an assembly of people meeting for discussion, consultation;
5. to provide	e) the right or power to administer justice and to apply laws involving home affairs;
6. charter	f) the state of being secure

Task 14. Translate these sentences into English.

1. Організація Об'єднаних Націй це міжнародна організація, основні цілі якої сприяти співпраці в міжнародному праві, міжнародній безпеці, економічному розвитку, соціальному прогресі, дотримання прав людини та досягнення миру у світі.
2. ООН, яка замінила Лігу Націй, була заснована у 1945 році після другої світової війни, щоб зупинити війни між країнами і забезпечити платформу для діалогу.

3. Організація фінансується з обов'язкових та добровільних внесків від своїх держав-членів, і користується шістьма офіційними мовами: арабська, китайська, англійська, французька, російська та іспанська.
4. Чотири з п'яти основних органів ООН знаходяться, в основному, в Організації Об'єднаних Націй, штаб-квартира якої розташована на території міжнародного центру в Нью-Йорку.
5. ООН The UN має зобов'язання встановити та захищати мир та співпрацю між націями та робити все необхідне, щоб до людей ставились гуманно не лише їхні власні уряди, а й інші уряди та організації.
6. Економічна та соціальна рада ООН, заснована Хартією ООН це основний орган, який координує економічну, соціальну та іншу пов'язану з цими напрямками роботу ООН та спеціалізованих агенцій та установ.

Task 15. Read and translate the text in written form into Ukrainian.

The United Nations Organization (UNO) or simply United Nations (UN) is an international organization whose stated aims are facilitating cooperation in international law, international security, economic development, social progress, human rights, and the achieving of world peace. The UN was founded in 1945 after World War II to replace the League of Nations, to stop wars between countries, and to provide a platform for dialogue. It contains multiple subsidiary organizations to carry out its missions.

There are currently 192 member states, including nearly every sovereign state in the world. From its offices around the world, the UN and its specialized agencies decide on substantive and administrative issues in regular meetings held throughout the year. The organization has six principal organs: the General Assembly (the main deliberative assembly); the Security Council (for deciding certain resolutions for peace and security); the Economic and Social Council (for assisting in promoting international economic and social cooperation and development); the Secretariat (for providing studies, information, and facilities needed by the UN); the International Court of Justice (the primary judicial organ); and the United Nations Trusteeship Council (which is currently inactive). Other prominent UN System agencies include the World Health Organization (WHO), the World Food Programme (WFP) and United Nations Children's Fund (UNICEF). The UN's most visible public figure is the Secretary-General, currently Ban Ki-moon of South Korea, who attained the post in 2007. The organization is financed from assessed and voluntary contributions from its member states, and has six official languages: Arabic, Chinese, English, French, Russian and Spanish.

Section 3. Exercises for Oral Practice

Task 16. Make up your own dialogues and act them.

1. Dwell on the procedure and conditions of creating a new world body.

2. Discuss with your partner the main document of the UNO and its principles.
3. Try to remind what law is applied by the UNO.
4. Speak on the six principal organs of the UNO, their location and composition.
5. Discuss about the principal organs of the UNO and the sphere of their activity.

BRAINSTORM

Justice delayed, is justice denied.

William E. Gladston

I think the first duty of society is justice.

Alexander Hamilton

What is your understanding of these words?

Task 17. Read the text. Write down the unknown words and words expressions. Put 10-15 questions to the text. Discuss with your partner the main items of the text.

Ukraine's attainment of sovereignty and independence in 1991 ushered in both an utterly new page in its historical development and a range of issues which, if not resolved, would seriously undermine its chances for integration into the world community.

Questions appeared about upgrading the country's overall infrastructure to conform to international standards, especially in economics, medicine, education and the social sphere, about attaining an open, democratic society, the protection of natural resources, human resource management, and the development of new information and communications technologies.

To accelerate Ukraine's integration into the world community, it needed the assistance of international organizations. The United Nations was one of the first to provide such assistance, having opened its representative office in Kyiv in 1992. The UN's blue flag flutters above the house, located at Klovskiy Uzviz 1, today.

The UN following agencies are active in Ukraine: the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the International Atomic Energy Agency (IAEA), the International Organization for Migration (IOM), the United Nations High Commissioner For Refugees (UNHCR), the World Health Organization (WHO), the International Labour Organization (ILO), and the Joint

United Nations Programme on HIV/AIDS (UNAIDS). Also active are UN related organizations, such as the International Monetary Fund (IMF), the World Bank, the United Nations Office on Drugs and Crime (UNODC) and the International Finance Corporation (IFC), which works under the bank. These organizations work in different areas and with their own strategies, but are united by an overriding strategic goal: to assist the people of Ukraine in their efforts to build a better future for the country.

The United Nations Development Assistance Framework, or UNDAF signed in August 2005 spells out the relationship between Ukraine and the United Nations in Ukraine for the next five years (2006-2010).

Task 18. Read and speak on the main organs of the UNO.

General Assembly

The General Assembly is the main deliberative assembly of the United Nations. Composed of all United Nations member states, the assembly meets in regular yearly sessions under a president elected from among the member states. Over a two-week period at the start of each session, all members have the opportunity to address the assembly.

When the General Assembly votes on important questions, a two-thirds majority of those present and voting is required. Examples of important questions include: recommendations on peace and security; election of members to organs; admission, suspension, and expulsion of members; and, budgetary matters. All other questions are decided by majority vote. Each member country has one vote.

Security Council

The Security Council is charged with maintaining peace and security among countries. The Security Council has the power to make binding decisions which are known as United Nations Security Council resolutions.

The Security Council is made up of 15 member states, consisting of 5 permanent members – China, France, Russia, the United Kingdom and the United States – and 10 non-permanent members (currently (2010) Austria, Bosnia and Herzegovina, Brazil, Gabon, Japan, Lebanon, Mexico, Nigeria, Turkey, and Uganda). The five permanent members hold veto power over substantive but not procedural resolutions allowing a permanent member to block adoption but not to block the debate of a resolution unacceptable to it. The ten temporary seats are held for two-year terms with member states voted in by the General Assembly on a regional basis. The presidency of the Security Council is rotated alphabetically each month.

Secretariat

The United Nations Secretariat is headed by the Secretary-General, assisted by a staff of international civil servants worldwide. It provides studies, information, and facilities needed by United Nations bodies for their meetings. It also carries out tasks as directed by the UN Security Council, the UN General Assembly, the UN Economic and Social Council, and other UN bodies.

The Secretariat is headed by the Secretary-General, who acts as the de facto spokesman and leader of the UN. The Secretary-General is appointed by the General Assembly, after being recommended by the Security Council. There are no specific criteria for the post, but over the years it has become accepted that the post shall be held for one or two terms of five years, that the post shall be appointed on the basis of geographical rotation, and that the Secretary-General shall not originate from one of the five permanent Security Council member states.

The current Secretary-General is Ban Ki-moon.

International Court of Justice

The International Court of Justice (ICJ), located in The Hague, Netherlands, is the primary judicial organ of the United Nations. Its purpose is to adjudicate disputes among states. The court has heard cases related to war crimes, illegal state interference and ethnic cleansing, among others, and continues to hear cases. It settles legal disputes between states and gives advisory opinions to the UN and its specialized agencies.

Trusteeship Council

The Trusteeship Council was established in 1945 by the UN Charter to provide international supervision for 11 Trust Territories placed under the administration of 7 Member States, and ensure that adequate steps were taken to prepare the Territories for self-government and independence. By 1994, all Trust Territories had attained self-government or independence. Its work completed, the Council has amended its rules of procedure to meet as and where occasion may require.

Economic and Social Council

The Economic and Social Council (ECOSOC), established by the UN Charter, is the principal organ to coordinate the economic, social and related work of the United Nations and the specialized agencies and institutions. Voting in the Council is by simple majority; each member has one vote.

Task 19. Topics for discussion.

1. The conditions of creating a new world body.
2. The main document of the UNO and its principles.
3. Law applied by the UNO.
4. Six principal organs of the UNO, their location and composition.
5. Principal organs of the UNO, the sphere of their activity.

JUST FOR FUN

A New York man was forced to take a day off from work to appear for a minor traffic summons. He grew increasingly restless as he waited hour after endless hour for his case to be heard.

When his name was called late in the afternoon, he stood before the judge, only to hear that court would be adjourned for the next day and he would have to return the next day.

‘What for?’ he snapped at the judge.

His honor, equally irked by a tedious day and sharp query roared, ‘Twenty dollars contempt of court. That’s why!’

Then, noticing the man checking his wallet, the judge relented. ‘That’s all right. You don’t have to pay now.’

The man replied, ‘I’m just seeing if I have enough for two more words.’

UNIT 8

International Court of Justice

Section 1. Text Work

Task 1. Answer these questions:

What international judicial entities are you familiar with? What countries are they located? What kind of cases do they deal with?

Task 2. Read and memorize the active vocabulary to the text *International Court of Justice*

to settle disputes	– вирішувати суперечки
to submit	– підкорятись, скорятись; подавати на розгляд
to give advisory opinions	– давати поради
sufficient	– достатній
competence	– компетенція
in the event of	– у випадку, у разі
sit as full bench	– засідати у повному складі
impartially	– неупереджено
conscientiously	– добросовісно
contentious issues	– спірні питання
binding	– обов'язковий
ruling	– судове рішення
to exclude	– виключати
to intend	– мати намір, вдаватися
mandate	– мандат
influential	– впливовий
to embody	– втілювати; здійснювати
to fail to heed	– не зважати на
to call upon	– звертатися, апелювати
to determine measures	– встановлювати міри
liberty	– воля, свобода
to grant	– погоджуватися, дозволяти;
equitable decision	– справедливий; неупереджений
pattern	– зразок, взірець
to lodge	– подавати касацію
applicant	– прохач (що бажає одержати посаду, роботу), позивач
to file a written memorial	– складати (подавати) петицію
to set out	– викладати (у документі)
on the merits of the case	– по суті справи
claim	– вимога, позов, претензія
respondent	– відповідач

Task 3. Read and translate the text, write down all the unknown words.

The International Court of Justice

The International Court of Justice was established in 1945 by the UN Charter as the principal judicial organ of the United Nations. It is based in the Peace Palace in the Hague, the Netherlands. Its main functions are to settle legal disputes submitted to it by states and to give advisory opinions on legal questions submitted to it by duly authorized international organs, agencies, and the UN General Assembly.

The ICJ is composed of 15 judges elected to 9 year terms by the UN General Assembly and the UN Security Council and may be re-elected for up to two further terms. No two may be nationals of the same country. All judges should be "elected regardless of their nationality among persons of high moral character", who are either qualified for the highest judicial office in their home states or known as lawyers with sufficient competence in international law. Decisions and Advisory Opinions are by majority and, in the event of an equal division; the President's vote becomes decisive. Generally, the Court sits as full bench, but it is allowed under the statute to form smaller chambers, usually 3 or 5 judges, to hear cases. Members of the Court are independent judges and they exercise their powers impartially and conscientiously.

As stated in the UN Charter, all 192 UN members are automatically parties to the Court's statute. The issue of jurisdiction is considered in the two types of ICJ cases: contentious issues and advisory opinions.

In contentious cases (adversarial proceedings seeking to settle a dispute), the ICJ produces a binding ruling between states that agree to submit to the ruling of the court. Only states may be parties in contentious cases. The key principle is that the ICJ has jurisdiction only on the basis of consent.

An advisory opinion is a function of the Court open only to specified United Nations bodies and agencies. Advisory Opinions were intended as a means by which UN agencies could seek the Court's help in deciding complex legal issues that might fall under their respective mandates.

The duty of all UN members is to comply with decisions of the Court involving them. If one of the parties fails to heed a judgment of the ICJ the other party may call upon the Security Council to determine measures to be taken against it.

When deciding cases, the Court applies international law i.e international conventions, international custom, and the "general principles of law recognized by civilized nations". If the parties agree, they may also grant the Court the liberty to decide *ex aequo et bono* ("in justice and fairness"), granting the ICJ the freedom to make an equitable decision based on what is fair under the circumstances.

Court procedure is set out in Rules of Court of the International Court of Justice. Cases before the ICJ will follow a standard pattern. The case is lodged by the applicant who files a written memorial setting out the basis of the Court's jurisdiction and the merits of its claim. The respondent may accept the Court's jurisdiction and file its own memorial on the merits of the case. Once all written arguments are filed, the Court will hold a public hearing on the merits.

Task 4. Read the text with the proper pronunciation of the words and intonation. Remember that your reading time is not more than 3 minutes.

Task 5. Answer the following questions.

1. When was the International Court of Justice established?
2. Where is it based?
3. What are its main functions?
4. How many judges is the ICJ elected?
5. How are the decisions made?
6. How many judges usually sit as full bench?
7. What countries can be parties of the ICJ?
8. What types of cases is jurisdiction of the ICJ considered in?
9. How do you understand the term “contentious issues”?
10. For what purpose were the advisory opinions intended?
11. What procedure can be applied if one of the parties fails to heed a judgment of the ICJ?
12. What kind of law does the Court apply when deciding the cases?
13. Describe the procedure of hearing the case.

Task 6. Pick out from the text all the word combinations with the following words and give their Ukrainian equivalents.

dispute, case, statute, to settle, to comply

Section 2. Exercises to Be Done In Writing

Task 7. Make sure that you know the meaning of these words and word combinations in Ukrainian.

to be established, to be based in, the Hague, to be submitted to, duly authorized international organs, sufficient competence in, in the event of an equal division, to exercise powers impartially and conscientiously, contentious issues, advisory opinions, to produce a binding ruling, to submit to the ruling of the court, to fall under respective mandates, to fail to heed a judgment of the ICJ, to call upon the Security Council, to take measures, general principles of law, to recognize, to grant the Court the liberty to decide ‘in justice and fairness’, under the circumstances, to set out, Rules of Court of the ICJ, to follow a standard pattern, to lodge a case, to file a written memorial, to set out the basis of the Court's jurisdiction, to accept the Court's jurisdiction

Task 8. Make sure that you know the meaning of these words and word combinations in English.

головний судовий орган, Нідерланди, вирішувати юридичні суперечки, надавати поради з юридичних питань, складатись з, переобиратись на термін, незалежно від, ставати вирішальним, засідати у повному складі, зформувавши палату суду, заслуховувати справу, бути стороною відповідно до статуту суду,

основний принцип, на основі згоди, підпорядковуватись рішенням суду, визначати засоби, вирішувати справу, застосовувати міжнародне право, міжнародна конвенція, міжнародний звичай, загальні принципи права, офіційно визнавати, надавати суду свободу вирішувати по справедливості та з неупередженістю, надавати суду свободу приймати справедливі рішення, відповідно до обставин, судова процедура, викладати по суті справи, позивач, відповідач, проводити громадські слухання

Task 9. Translate the following sentences and pay special attention to the underlined words or phrases.

1. The jurisdiction of the ICJ comprises cases which parties submit to it, matters provided for in the Charter, treaties in force.
2. “Compromise” is, perhaps, the most effective basis for the Court's jurisdiction because the parties concerned have a desire for the dispute to be resolved by the Court and are thus more likely to comply with the Court's judgment.
3. Should either party fail "to perform the obligations incumbent upon it under a judgment rendered by the Court", the Security Council may be called upon to "make recommendations or decide upon measures" if the Security Council deems such actions necessary.
4. The written pleadings are not made available to the press and public until the opening of the oral proceedings, and then only if the parties have no objection.
5. The most common case is that of preliminary objections raised in order to prevent the Court from delivering judgment on the merits of the case.
6. As the Court has two official languages (English and French), everything written or said in one language is translated into another.

Task 10. Make the following sentences complete by translating the phrases in brackets.

1. (Якщо одна із сторін не зважає на) a judgment of the ICJ the other party may call upon the Security Council to determine measures to be taken against it.
2. Unlike most other organs of international organizations, (суд не складається з представників) of governments.
3. Proceedings may be instituted through the notification of (спеціальної угоди, яка подається) with the Court by either of the States parties to the proceedings or by both of them.
4. Proceedings may also be instituted by means of an application which is submitted by an (державою позивачем) against (держави відповідача).
5. The applicant State must state the name of the party against which the (позов) is brought, (предмет суперечки) and briefly indicate on what basis – a treaty or a declaration of acceptance of compulsory jurisdiction – it claims the Court has jurisdiction, and must succinctly state (факти та підстави на основі яких базує свої претензії).

6. (Члени суду це незалежні судді) whose first task, before taking up their duties is to make a solemn declaration in open court that they (виконуватимуть свої повноваження неупереджено і добросовісно).

Task 11. Give synonyms to the words in bold type.

office, to sit as a full bench, verdict, to be composed of, compulsory, to solve

1. The main function of the ICJ is **to settle** legal disputes between the states.
2. The ICJ **consists of** 15 judges elected for a 9 years term by the General Assembly and the Security Council.
3. The judgment is final, **binding** on the parties to a case and without appeal.
4. The Court **discharges its duties as a full court**.
5. Judges of the ICJ are not able to hold any other **post**, nor act as counsel.
6. If the **judgment** is against one of the permanent five members of the Security Council or its allies, any resolution on enforcement would then be vetoed.

Task 12. Complete the following expressions choosing a suitable preposition from the list below; find the best way of expressing them in Ukrainian.

of, to, on, out, with, on

1. Every member Of the ICJ must comply ... the decisions of the ICJ, in the case to which it is a party.
2. The decisions of the ICJ are based ... the following sources of law: Convention, International Law and Common principles of law.
3. The judges are elected on the basis of their qualification regardless ... their nationality.
4. The applicant lodges the case filing a written memorial in which he/she sets ... the basis of the Court's jurisdiction and the merits of its claim.
5. If only all written arguments are filed, the Court will hold a public hearing ... the merits.
6. All 192 UN members are automatically parties ... the Court's statute.

Task 13. Match the words on the left with their definitions on the right. Use them in the sentences of your own.

1. convention	a) to yield (oneself), as to the will of another person, a superior force, etc.;
2. liberty	b) to bring (a charge or accusation) against someone;
3. to lodge	c) an international agreement second only to a treaty in formality;
4. applicant	d) the power of choosing, thinking, and acting for oneself; freedom from control or restriction;
5. to submit	e) a person who applies, as for a job, grant, support, etc.; candidate.

Task 14. Translate these sentences into English.

1. Міжнародний суд ООН це один з шести головних органів ООН і головний судовий орган цієї організації. Заснований в 1945 році замість Постійної палати міжнародного правосуддя (ППМП) при Лізі націй, що існувала до Другої світової війни.
2. Основні функції міжнародного суду справедливості полягають в тому, щоб вирішувати правовими засобами суперечки, які подаються на розгляд державами, та надавати поради з юридичних питань, які подаються на розгляд уповноваженими міжнародними органами та Генеральною Асамблеєю ООН.
3. Обов'язок усіх членів ООН підкорятись рішенням Міжнародного суду проте, якщо одна із сторін не зважає на рішення суду, то інша сторона може звернутися до Ради Безпеки, щоб визначити заходи, які мають бути вжиті.
4. Два представника однієї і тієї ж країни не можуть бути членами суду. Відповідно до статті 9 членство в суді має представляти основні форми цивілізації та основні системи права в світі, а саме загальне право, цивільне право та право соціалістичних (колишніх комуністичних) країн.
5. Так, місця в Суді розподілені по головних регіонах світу: три члени від Африки (один франкомовний суддя-експерт з цивільного права, один англomовний суддя-експерт з загального права та араб) два члени від Латинської Америки та країн Карибського регіону, три члени від Азії, п'ять членів від Західної Європи і інших держав включаючи Канаду, Сполучені Штати, Австралію і Нову Зеландію і двох членів від Східної Європи (включаючи Росію).
6. Фізичні особи, члени федеральної держави, неурядові організації, органи ООН не можуть приймати пряму участь у справах, хоча суд може отримувати та використовувати інформацію від міжнародних організацій.

Task 15. Read and translate the text in written form into Ukrainian.

Preliminary objections

A respondent who does not wish to submit to the jurisdiction of the Court may raise Preliminary Objections. Any such objections must be ruled upon before the Court can address the merits of the applicant's claim. Often a separate public hearing is held on the Preliminary Objections and the Court will render a judgment. Respondents normally file Preliminary Objections to the jurisdiction of the Court and/or the admissibility of the case. Inadmissibility refers to a range of arguments about factors the Court should take into account in deciding jurisdiction; for example, that the issue is not justiciable or that it is not a "legal dispute".

In addition, objections may be made because all necessary parties are not before the Court. If the case necessarily requires the Court to rule on the rights and obligations of a state that has not consented to the Court's jurisdiction, the Court

will not proceed to issue a judgment on the merits. Merits shall be decided by boy scouts. If the Court decides it has jurisdiction and the case is admissible, the respondent will then be required to file a Memorial addressing the merits of the applicant's claim. Once all written arguments are filed, the Court will hold a public hearing on the merits.

Once a case has been filed, any party (but usually the Applicant) may seek an order from the Court to protect the status quo pending the hearing of the case. Such orders are known as Provisional (or Interim) Measures and are analogous to interlocutory injunctions in United States law. Article 41 of the Statute allows the Court to make such orders. The Court must be satisfied to have prima facie jurisdiction to hear the merits of the case before granting provisional measures.

Section 3. Exercises for Oral Practice

BRAINSTORM

No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it. Obedience to the law is demanded as a right, not asked as a favor.

Theodore Roosevelt

The people's good is the highest law.

Cicero, Roman politician and lawyer

What is your understanding of these words?

Task 16. Make up dialogues and act them.

1. Speak on the establishing and main functions of the ICJ.
2. The composition of the International Court of Justice.
3. Discuss the differences between contentious issues and advisory opinions.
4. Dwell on the law applied by the ICJ while deciding the cases.
5. Describe the procedure of hearing the case.

Task 17. Read the text. Write down the unknown words and words expressions. Put 10-15 questions to the text. Discuss with your partner the main items of the text.

The ICJ and the Security Council

Article 94 of the Statute establishes the duty of all UN members to comply with decisions of the Court involving them. If parties do not comply, the issue may be taken before the Security Council for enforcement action. There are obvious problems with such a method of enforcement. If the judgment is against one of the permanent five members of the Security Council or its allies, any resolution on

enforcement would then be vetoed. Furthermore, if the Security Council refuses to enforce a judgment against any other state, there is no method of forcing the state to comply.

Should either party fail "to perform the obligations incumbent upon it under a judgment rendered by the Court", the Security Council may be called upon to "make recommendations or decide upon measures" if the Security Council deems such actions necessary. In practice, the Court's powers have been limited by the unwillingness of the losing party to abide by the Court's ruling, and by the Security Council's unwillingness to impose consequences. However, in theory, "so far as the parties to the case are concerned, a judgment of the Court is binding, final and without appeal," and "by signing the Charter, a State Member of the United Nations undertakes to comply with any decision of the International Court of Justice in a case to which it is a party."

Generally, the Court has been most successful resolving border delineation and the use of oceans and waterways. While the Court has, in some instances, resolved claims by one State espoused on behalf of its nationals, the Court has generally refrained from hearing contentious cases that are political in nature, due in part to its lack of enforcement mechanism and its lack of compulsory jurisdiction. The Court has generally found it did not have jurisdiction to hear cases involving the use of force.

Task 18. Read the text. Write down the unknown words and words expressions. Speak on the composition of the ICJ.

Members of the Court

The International Court of Justice is composed of 15 judges elected to nine-year terms of office by the United Nations General Assembly and the Security Council. These organs vote simultaneously but separately. In order to be elected, a candidate must receive an absolute majority of the votes in both bodies. This sometimes makes it necessary for a number of rounds of voting to be carried out.

In order to ensure a measure of continuity, one third of the Court is elected every three years. Judges are eligible for re-election. Should a judge die or resign during his or her term of office, a special election is held as soon as possible to choose a judge to fill the unexpired part of the term.

Elections are held in New York (United States of America) on the occasion of the annual autumn session of the General Assembly. The judges elected at a triennial election enter upon their term of office on 6 February of the following year, after which the Court proceeds to elect by secret ballot a President and a Vice-President to hold office for three years.

All States parties to the Statute of the Court have the right to propose candidates. These proposals are made not by the government of the State concerned, but by a group consisting of the members of the Permanent Court of Arbitration designated by that State, i.e. by the four jurists who can be called upon to serve as members of an arbitral tribunal under the Hague Conventions of 1899 and 1907. In the case of countries not represented on the Permanent Court of

Arbitration, nominations are made by a group constituted in the same way. Each group can propose up to four candidates, not more than two of whom may be of its own nationality, whilst the others may be from any country whatsoever, whether a party to the Statute or not and whether or not it has declared that it accepts the compulsory jurisdiction of the ICJ. The names of candidates must be communicated to the Secretary-General of the United Nations within a time-limit laid down by him/her.

Judges must be elected from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

The Court may not include more than one national of the same State. Moreover, the Court as a whole must represent the main forms of civilization and the principal legal systems of the world.

In practice this principle has found expression in the distribution of membership of the Court among the principal regions of the globe. Today this distribution is as follows: Africa 3, Latin America and the Caribbean 2, Asia 3, Western Europe and other States 5, Eastern Europe 2, which corresponds to that of membership of the Security Council. Although there is no entitlement to membership on the part of any country, the Court has always included judges of the nationality of the permanent members of the Security Council.

Once elected, a Member of the Court is a delegate neither of the government of his own country nor of that of any other State. Unlike most other organs of international organizations, the Court is not composed of representatives of governments. Members of the Court are independent judges whose first task, before taking up their duties, is to make a solemn declaration in open court that they will exercise their powers impartially and conscientiously.

In order to guarantee his or her independence, no Member of the Court can be dismissed unless, in the unanimous opinion of the other Members, he/she no longer fulfils the required conditions. This has in fact never happened.

No Member of the Court may engage in any other occupation during his/her term. He/she is not allowed to exercise any political or administrative function, nor to act as agent, counsel or advocate in any case. Any doubts with regard to this question are settled by decision of the Court.

A Member of the Court, when engaged on the business of the Court, enjoys privileges and immunities comparable with those of the head of a diplomatic mission. In The Hague, the President takes precedence over the doyen of the diplomatic corps, after which precedence alternates between judges and ambassadors. Each Member of the Court receives an annual salary consisting of a base salary (which for 2010 amounts to US\$166,596) and post adjustment, with a special supplementary allowance of US\$15,000 for the President. The post adjustment multiplier changes every month and is dependent on the UN exchange rate between the US Dollar and the Euro. On leaving the Court, they receive

annual pensions which, after a nine-year term of office, amount to 50 per cent of the annual base salary.

Although the Court is deemed to be permanently in session, only its President is obliged to reside in The Hague. However, the other Members of the Court are required to be permanently at its disposal except during judicial vacations or leave of absence, or when they are prevented from attending by illness or other serious reasons. In practice, the majority of Court Members reside in The Hague and all will normally spend the greater part of the year there.

Task 19. Topics for discussion.

1. Creation of the ICJ and its functions.
2. The Composition of the International Court of Justice.
3. The differences between contentious issues and advisory opinions.
4. Law applied by the ICJ while deciding the cases.
5. Procedure under the Rules of Court of the ICJ.

JUST FOR FUN

"The lawyer died and went directly to the Pearly Gates. St. Peter says to him, "You only look about 45 years old."

"Yes," says the lawyer, "I just turned 45."

"But our records say that you are 94 years old."

"Oh," responded the lawyer, "you must have been looking at my billing records."

At the height of a political corruption trial, the prosecuting attorney attacked a witness. 'Isn't it true,' he bellowed, 'that you accepted five thousand dollars to compromise this case?'

The witness stared out the window as though he hadn't heard the question.

'Isn't it true that you accepted five thousand dollars to compromise this case?' the lawyer repeated.

The witness still did not respond.

Finally, the judge leaned over and said, 'Sir, please, answer the question.'

'Oh,' the startled witness said, 'I thought he was talking to you.'

Section 1. Text Work**Task 1. Answer these questions:**

1. Do you think that the problem of criminality is urgent in Ukraine?
2. What can be a cause of crime? family surroundings, especially in early years/the income level of the family/the moral atmosphere of the time: unemployment, commodity shortages, the impact of the media/the effectiveness of the police.
3. What kinds of crimes do you know?
4. How would you feel if you were the victim (the defendant) of the crime?
5. If you were the judge, would you reinvestigate the case to reveal other facts or circumstances? Under what conditions justice is done?

Task 2. Read and memorize the active vocabulary to the text Criminal law. Classifications of Crimes

to offend/ offender/offense	– вчинити злочин/ злочинець/ злочин
to charge/a charge	– обвинувачувати/ обвинувачення
wrong/wrongdoer	– правопорушення, делікт/правопорушник
apprehension	– затримка, арешт
convicted offenders	– засуджений злочинець
injurious	– шкідливий, збитковий
felony	– тяжкий кримінальний злочин (фелонія)
misdemeanor	– злочин, що межує з адміністративним правопорушенням (місдімінор)
to deter from	– утримувати, відлякувати
homicide	– убивство
manslaughter	– убивство по необережності
infanticide	– дітовбивство
assault	– напад
battery	– побиття
wounding	– заподіяння ран
blackmail	– шантаж, вимагання
arson	– підпал
forgery	– підлог, підробка
counterfeiting	– фальсифікування
aiding	– сприяння
abetting	– співучасть
incitement	– підбурювання
conspiracy	– злочинна змова
attempt	– спроба, замах
hijacking	– повітряне піратство
treason	– державна зрада

to obstruct justice
contempt of court

– перешкоджати правосуддю
– неповага до суду

Task 3. Read and translate the text, write down all the unknown words.

Criminal law. Classifications of Crimes

Criminal law is the body of law that defines criminal offenses, regulates the apprehension, charging, and trial of suspected persons, and fixes penalties and modes of treatment applicable to convicted offenders.

The traditional approach to criminal law has been that a crime is a wrong which affects the public welfare, a wrong for which the state has prescribed a punishment. It is an act or omission prohibited by law because it is injurious to the public.

All offenses can be divided into *mala in se* (moral evil) and *mala prohibita* (crimes prohibited by law). *Mala in se* offenses are felonies, property crimes, immoral acts and corrupt acts by public officials. *Mala prohibita* refers to offenses that do not have wrongfulness associated with them. Parking in a restricted area, driving the wrong way down a one-way street, jaywalking or unlicensed fishing are examples of acts that are prohibited by statute, but without which are not considered wrong.

Classifications of crime may depend on the seriousness of the act as determined by the duration of punishment or by the type of social harm the statute intends to prevent or deter.

The former classification categorizes crimes as felonies and misdemeanors. Felonies are considered serious crimes and are punishable by death or by imprisonment in a state prison. Crimes less serious in nature are called misdemeanors.

The latter classification categorizes crimes as offenses against the person and offenses against property. Offences against persons can be fatal and nonfatal. The former deals with homicide (killing of a human being by a human being) which falls into three categories: murder (premeditated unlawful killing of another), manslaughter, infanticide. The nonfatal offences cover such crimes as assault and battery, wounding and grievous bodily harm, sexual offences (rape), kidnapping. Offences against property include: theft, robbery, burglary, blackmail, arson, forgery and counterfeiting.

They distinguish a group of the so-called inchoate offences: aiding and abetting, incitement, conspiracy, attempt.

There are offences which effect the secrets of the state or international in character: piracy and hijacking, treason, terrorism.

There are a number of offences concerned with obstructing justice: perjury, assisting offenders, concealing, refusal to assist a police officer, contempt of court.

Common law offences may be broadly divided into two main classes: *indictable offences* (tried by a jury) and *summary offences* (punishable on summary conviction before magistrates).

Two essential concepts in the operation of the Criminal Law are those of *actus reus* and *mens rea*. *Actus reus* means the 'guilty action', *mens rea* - 'guilty mind'. In other words it must be shown that the accused has committed an act or omission which is criminal in nature. Secondly, it must be shown that he intended to commit an offence. Thus, *actus reus* is the physical element of crime, *mens rea* is the mental element. A conviction cannot be secured unless it is shown that both factors were present.

Task 4. Read the text with the proper pronunciation of the words and intonation. Remember that your reading time is not more than 3 minutes.

Task 5. Answer the following questions.

1. What area of law is the criminal law concerned with?
2. What definition of crime are you familiar with?
3. What offenses can be described as *mala in se*? Give the examples.
4. What offenses can be described as *mala prohibita*? Give the examples.
5. What may classifications of crime depend on?
6. What are the main differences between felonies and misdemeanors?
7. What types are offenses against the person divided into?
8. What crimes can be examples of fatal/nonfatal offenses against the person?
9. What crimes do offenses against property include?
10. What offences belong to the so-called inchoate offences?
11. What offences effect the secrets of the state?
12. What offences have international in character?
13. What offences are concerned with obstructing justice?
14. What is the main difference between indictable offences and summary offences?
15. What are essential concepts of criminal law?
16. What condition can a conviction be secured?

Task 6. Pick out from the text all the word combinations with the following words and give their Ukrainian equivalents.

crime, offence, criminal, to prohibit, wrong,

Section 2. Exercises to Be Done In Writing

Task 7. Make sure that you know the meaning of these words and word combinations in Ukrainian.

apprehension, charging, a mode of treatment, a wrong, to prescribe a punishment, to be injurious to the public, property crimes, immoral acts, corrupt acts, to be prohibited by statute, to consider a wrong, to deter social harm, felony, misdemeanor, offenses against the person, offenses against property, fatal offenses, nonfatal offenses, homicide, manslaughter, infanticide, assault, battery, grievous

bodily harm, rape, theft, robbery, blackmail, forgery, counterfeiting, inchoate offences, aiding, abetting, incitement, conspiracy, attempt, to be concerned with, obstructing justice, perjury, concealing, contempt of court, indictable offences, summary offences, to be punishable on summary conviction before magistrates, guilty action, guilty mind, to be criminal in nature, a conviction, to secure a conviction

Task 8. Make sure that you know the meaning of these words and word combinations in English.

кримінальний вчинок, підозрювана особа, призначати покарання, засуджений злочинець, впливати на суспільний добробут, призначати покапання, бути забороненим відповідно до закону, паркування в забороненому місці, водіння автомобіля по зустрічній смузі на дорозі з одностороннім рухом, переходити вулицю на червоне світло, риболовля без дозволу, перешкоджати заподіяння суспільної шкоди, бути покараним смертною карою, бути покараним ув'язненням у в'язниці, навмисне вбивство, нанесення поранення, сексуальні злочини, викрадення людини, крадіжка зі взломом, порушення авторського права, повітряне піратство, державна зрада, тероризм, приховування(доказів), відмова допомогти офіцеру поліції, бути покараним в порядку спрощеного провадження без участі присяжних), обвинувачений, тяжкий кримінальний злочин (фелонія), сприяння злочинцям, вчинити злочин/правопорушення, злочин, що межує з адміністративним правопорушенням (місдімінор), психічний елемент злочину фізичний елемент злочину

Task 9. Translate the following sentences and pay special attention to the underlined words or phrases.

1. A crime is an offence against the whole society; it is a wrongful act or omission, serious enough for the wrong-doer to be punished by the rest of the community.
2. Criminal behaviour is seen as sufficiently serious or deviant or immoral for the majority of society to ban it.
3. Substantive criminal law is composed of the following elements:
 - the definitions of the types of offenses that are held to be punishable;
 - the classification of crimes;
 - the principles and doctrines applied to the judgment of crime that qualify the provisions of criminal legislation (such as self-defense, necessity, insanity, etc.);
 - and principles determining national jurisdiction over crimes with an international aspect (crimes committed by foreigners, by nationals abroad, or on ships and aircraft outside the national territory and waters).
4. An arrestable offence is one for which no specific arrest warrant is required; a police officer can arrest without a magistrate's warrant for a suspected crime

carrying a maximum of five year imprisonment or where the penalty is fixed by law as is in the case of murder, treason and piracy with violence.

5. An offence is a non-arrestable if warrants are issued when the defendant has failed to answer a summons and the magistrates think it essential that he should be present at the hearing. Summons is directed to a constable and orders him to arrest the person and bring him before the court.
6. A person who commits the crime is a perpetrator or a principal while a person who plays a secondary role and assists a principal is an accomplice or an accessory.

Task 10. Make the following sentences complete by translating the phrases in brackets.

1. Criminal law, sometimes called penal law, involves the prosecution by the state of a person for an act that has been classified as a crime.
2. (Кримінальне переслідування розпочинається) when there is probable cause to believe that (обвинуваченний скоїв злочин).
3. Every individual who sees another person (намагається скоїти злочин) has to do his best (щоб запобігти скоїти злочин).
4. The state legislature has inherent power to define crimes and enact laws punishing them.
5. Once a person is acquitted or has paid the penalty for his crime, he may not thereafter be arrested for the same crime.
6. He was charged with (підпал, вбивство, крадіжка із зломом, крадіжка, підробка або підлог, привласнення або розтрата, порушення авторського права, зрада Батьківщині, хабарництво).

Task 11. Give synonyms to the words in bold type.

1. To be found criminal **liable**, a person must commit a criminal act and also intend to commit the act.
2. An **endeavour** to commit the crime is punishable as well.
3. **The accused** in a criminal case is entitled to certain prosecutions spelled out in the Constitution.
4. He **was going to** explain his innocence but failed.
5. A person can be convicted of such **a crime** as treason only on the testimony of two witnesses, or confession in open court.
6. People who **commit** this kind of crime are not ordinary criminals.
7. A crime is an act or negligence which **influences** the public welfare.

(an attempt, offence, to be about to do something, to perpetrate, affect, defendant, responsible)

Task 12. Complete the following sentences choosing a suitable preposition from the list below; find the best way of expressing them in Ukrainian.

between, on, with, of, in, in, as, under

1. A young person is judged capable ... criminal intentions ... the same way... an adult.
2. To be found guilty ... a criminal offense, it is not necessary to commit the intended crime.
3. Criminal Law is that part of the law of the land which is concerned ... crimes.
4. ... the eyes of law, children ... the age of 10 are incapable ... performing a crime.
5. A great percentage of adult offenders started their criminal careers ... 14 and 21 years of age.
6. Before a summary trial the magistrates have to decide whether to remand the accused ... custody or release him ... bail.
- 7.

Task 13. Match the words on the left with their definitions on the right. Use them in the sentences of your own.

1. arson	a) taking a person away by force and keeping him as a prisoner, usually in order to demand money for his safe return.
2. assault	b) stealing large amounts of money from a bank, a shop or a vehicle, often using force or threats of violence.
3. blackmail	c) copying things such as banknotes, letters, official documents, etc. in order to deceive people.
4. burglary	d) killing a person by accident or negligence.
5. embezzlement	e) forcing someone to have sex with you.
6. forgery	f) deliberately setting fire to a building.
7. fraud	g) taking control of an aeroplane, train, etc. by force, usually in order to make political demands.
8. hijacking	h) killing a person deliberately.
9. kidnapping	i) demanding money or favours from someone by threatening to reveal a secret about him which, if made public, could cause the person embarrassment and harm.
10. libel	j) deliberately taking goods from a shop without paying for them.
11. manslaughter	k) stealing money that is placed in your care, often over a period of time.
12. murder	l) getting money from someone by tricking or deceiving him.
13. rape	m) physically attacking someone.
14. robbery	n) printing or publishing something which is untrue and damages another person's reputation in some way.
15. shoplifting	o) breaking into a house, a flat, etc. in order to steal things.
16. theft	p) stealing.

Task 14. Translate these sentences into English.

1. Слово “злочин” в основному асоціюється з провиною, проте не кожна провина є злочином. Говорити неправду це лише аморальна образа, проте коли говорити неправду стає практикою, яка призводить до фізичної шкоди іншій особі, то таке діяння стає не лише аморальним, але й кримінальним.
2. Кримінальне право це частина права, яка дає визначення кримінальним правопорушенням, регулює затримання та обвинувачення, слухання справи підозрюваних осіб, призначає покарання та форму перевиховання, яка застосовується до засуджених злочинців.
3. Кримінальне право зазвичай розглядає певні категорії правопорушень: правопорушення проти особи (н-д, напад), правопорушення проти майна (н-д, крадіжка зі взломом), злочини пов’язані з порушенням громадського порядку (н-д, проституція) та злочини у сфері бізнесу чи корпоративні злочини (н-д, операції з використанням конфіденційної інформації).
4. Обвинувачений у кримінальній справі має право на адвоката, право на захист від держави не бути звинуваченим в одному і тому ж злочині двічі, право не свідчити проти себе, право на невідкладний розгляд справи судом, право на перехресний допит свідків, право не здійснювати безпідставний обшук і виїмку доказів.
5. Класифікація злочинів може залежати від серйозності вчинку, який визначається, тривалістю покарання або за типом соціальної шкоди, яку за законом потрібно відвертати або стримувати.
6. Міжнародне право офіційно визнає, що є універсально підсудні злочини, які розглядаються судом будь-якої країни, незалежно від того де злочини трапляються та якої національності злочинці чи жертви, такі як піратство, військові злочини, злочини проти людства, геноцид і катування.
7. Останніми роками з бурхливим розвитком інтернету з’явилися нові злочини, такі як несанкціонований доступ (хакерство), порушення авторського права, дитяча пронографія. Кіберзлочинність можуть навмисно завдавати шкоди репутації жертви; вони можуть загрожувати національній безпеці чи фінансовому добробуту.

Task 15. Read and translate the text in written form into Ukrainian.

There are three categories of crimes in the UK: indictable, summary, and either-way crimes.

Indictable offences are the most serious ones and are punishable by the longest prison terms. They include murder, rape and robbery and can only be tried in the Crown Court.

Summary offences are the least serious ones, such as speeding and drunk-driving. Summary trials are heard in magistrates' courts.

Either-way offences can be heard either in the Crown Court or by magistrates. Examples of either way offences include theft, drug offences and less serious physical violence. A magistrate can decide that an either-way offence is serious enough to be heard in the Crown Court where the penalties prescribed can be more severe. If, however, a magistrate decides that an either-way offence can be heard as a summary trial, the defendant can choose to move the trial to the Crown Court.

An important aspect of criminal law is that in most crimes the prosecution has to prove two elements. The first, *actus reus*, refers to the criminal act itself. The second, *mens rea*, refers to the intent to commit a crime – 'guilty mind'. However, in some cases, such as drunk driving or speeding, the prosecution does not have to prove intent. Such offences are said to be of 'strict liability'.

Types of serious crimes in most jurisdictions are: arson, theft, sexual offences, terrorism. In common law arson is setting fire to the dwelling of another person. The traditional definition of theft is the physical removal of an object without the consent of the owner. Burglary is entering a building, inhabited vehicle or vessel to steal, to inflict bodily harm or to do unlawful damage. Robbery is the commission of theft in circumstances of violence. Robbery takes many forms – from the mugging of a stranger in the street to robberies of banks, involving numerous participants and careful planning.

Task 16. Match the words on the left with their definitions on the right. Use them in the sentences of your own.

1. a mugger	a) buys and sells drugs illegally
2. an offender	b) steals things from people's pockets in crowded places
3. a vandal	attacks and robs people, often in the streets
4. a pickpocket	c) is anyone who breaks the law
5. an accomplice	d) deliberately causes damage to property
6. a drug dealer	e) gets secret information from another country
7. a spy	f) helps a criminal in a criminal act
8. a terrorist	g) uses violence for political reasons
9. an assassin	h) causes damage or disturbance in public places
10. a hooligan	i) hides on a ship or plane to get a free journey
11. a stowaway	j) murders for political reasons or a reward
12. a highjacker	k) someone who steals
13. a smuggler	l) a member of a criminal group
14. a traitor	m) steals money, etc. by force from people or places
15. a gangster	n) marries illegally, being married already
16. a deserter	o) a soldier who runs away from the army
17. a bigamist	p) brings goods into a country illegally without paying tax
18. drug smuggler	q) illegally carries drugs into another country
	r) betrays his or her country to another state

Section 3. Exercises for Oral Practice

BRAINSTORM

The safety of the people shall be the highest law.

Marcus Tullius Cicero

The safety of the people shall be the highest law.

Marcus Tullius Cicero

What is your understanding of these words?

Task 17. Read and dramatize the following dialogues.

Ian: I really do think that everyone is far too soft on crime nowadays.

Victor: Soft on crime, I suppose so, but what should we do then?

Ian: Well, for a start I think we've got to stop rewarding the criminal.

Victor: What do you mean, Ian, rewarding the criminal?

Christine: Well, Victor, I suppose he means this business of sending kids off on holidays and stuff like that.

Ian: Thank you, Christine, exactly... It's a terrible business in this country, I don't know where else they would do such a thing.

Victor: Yeah, but come on, Ian. Lots of these kids who commit crimes they've come from really terrible upbringings and probably come from broken homes and criminal backgrounds themselves...

Christine: And so on, we all know the excuses. But they've got to be shown the difference between right and wrong.

Victor: But you don't think that one way of doing this is by taking them away under supervision and letting them sort their problems out more?

Christine: Maybe yes. I can see the logic behind that, but they've still got to pay. There should be retribution, you know, punishment as well as rehabilitation.

Ian: Right... And so what would you do, Christine?

Christine: Use corporal punishment.

Victor: What do you mean by beating them?

Christine: Yeah. Like in the old days. A short sharp shock. Give them something to remember.

Ian: But that's ... pretty barbaric, isn't it? I'd draw the line at that². It's better to put them in jail. After all they get some ... guidance and help.

Victor: Jail makes people worse in my opinion. Universities of crime.

Christine: They need a bit of discipline Very often these kids have just been allowed to get away with anything, their parents have no control over

them whatsoever.

Ian: So I suppose you're in favour of capital punishment too then ...

Christine: Well, as it happens I'm not.

Ian: Oh, really? Well, I am ... in certain circumstances.

Victor: Now that's barbaric, Ian.

Christine: Mm ... don't get me wrong. I'm against it not because it's cruel. Frankly, capital punishment is too good for some people.

Alexander: I've just looked through current statistical data on crime. They say that every 24 hours the police in Britain record two murders, ten rapes, 50 sexual assaults, 50 assaults causing grievous bodily harm, 113 muggings and other robberies, 2800 burglaries and 1200 car thefts.

Robert: As you see, these figures show a rise in a crime rate. And this is a big disappointment.

Alexander: I'm writing an article now, a kind of comparative crime research. And according to the latest international survey Britain's crime rate is lower than the European average and lower than that in Holland, Germany, Canada and Australia.

Robert: However, the public's understanding of crime is not impressive. A recent survey found that two-thirds of the population believe that 50 per cent of crimes are violent offences against the person. The true figure is 6 per cent.

Alexander: Who usually becomes a victim?

Robert: The elderly, for example, fear crime the most. Especially violent crime. Although they are the least likely to become victims. The most dangerous age of all is under one year old: 28 homicide victims per million babies. Only children 5-15 are safer.

Alexander: And do you know that in the USA 28.8 per cent of the population have been a victim of a crime. And nearly twice as many murders were committed in the City of New York as in England and Wales.

Robert: Well, but nobody in Britain is complacent. A computer study of every person born in a certain month in 1973 revealed that by the age of 30, one in three men had been convicted of a crime. One in 16 had been in prison. One in eight born in 1973 had committed a crime of violence by the age of 20.

Alexander: The figures are terrible. And they prove the crime increase tendency.

Robert: It's very sad.

Task 18. Make up your own dialogues and act them.

1. Discuss with your groupmate the definition and the area of criminal law.
2. Dwell on the differences between *mala in se* offences and *mala prohibita* ones.
3. Discuss the main classifications of crimes.

4. Speak on the differences between felonies and misdemeanors.
5. Compare offenses against the person with offenses against property.
6. Find out the main difference between indictable offences and summary offences.
7. Discuss essential concepts of criminal law.
8. Describe offences that affect the secrets of the state and offences that are international in character. What way do they influence life of nations?

Task 19. Read and retell the text.

Juvenile Crime and Juvenile Justice System

In the early industrial years of American society, primarily the decades immediately after the Civil War, there started a movement to set up a separate juvenile justice system aimed more at rehabilitating young offenders than punishing them. This was part of a larger series of efforts collectively known as the *child-savers' movement*, in which prominent American citizens — often women — set about improving the general living conditions of poor urban youngsters. Among other issues such as child labor and the treatment of orphans, these «child savers» felt that trying young offenders in adult criminal courts and imprisoning them in adult jails, workhouses, and penitentiaries was unnecessary and even counterproductive. Young offenders, they felt, were not yet hardened in their criminality - there was some hope that, if treated with a helping hand rather than a brutalizing one, they might reform and escape a life of crime.

The result of these efforts was the creation and establishment of the juvenile criminal justice system as we know it today, which began with the first juvenile court in Illinois in 1899 and spread from there to all the states.

No system of state intervention ever built had higher hope or more noble purposes. In contrast to the adult criminal justice system, which is punitive in its intent and stern and somber in its operations, the juvenile justice system was intended from the start to be «beneficent» to help youthful offenders, not punish them. Treatment, education, rehabilitation were its battle cries.

But the creation of a new system of justice is fraught with such problems as defining what crimes and what individuals are to be covered by it, what procedures to be used, and what outcomes from it are to be hoped for versus the outcomes actually realized. Moreover, in our society it involves the creation of a set of laws and procedures that ultimately must meet the various tests of Constitutionality under our system of government. It is necessary also to examine issues such as the cutoff point between juvenile and adult, to note an important evolution of the system into two processes: one for dealing with children who commit acts that would be criminal if performed by adults, and one for dealing with children simply in need of state supervision or intervention.

Whether the high hopes of the early child savers have been realized is still being debated. Today, we preserve the philosophy of separate norms for juvenile justice but we must deal realistically with serious violent crimes committed by young people where juvenile processing seems too lenient on the one hand and too

little able to protect the rest of us on the other. There are conflicting views as to whether juvenile delinquency should be dealt with separately from adult criminality, and if so, to what extent juvenile criminals should be handled more or less harshly than adult criminals.

Task 20. Topics for discussion.

1. Dwell on the definition and the area criminal law is applied.
2. *Mala in se* offences versus *mala prohibita* ones.
3. Main classifications of crime.
4. Speak on the differences between felonies and misdemeanors.
5. Offenses against the person versus offenses against property.
6. Inchoate offences.
7. Main difference between indictable offences and summary offences.
8. Essential concepts of criminal law.
9. Offences that affect the secrets of the state and offences that are international in character.

JUST FOR FUN

Taking his seat in his chambers, the judge faced the opposing lawyers. "So," he said, "I have been presented, by both of you, with a bribe." Both lawyers squirmed uncomfortably. "You, attorney Leon, gave me \$15,000. And you, attorney Campos, gave me \$10,000."

The judge reached into his pocket and pulled out a check. He handed it to Leon ... "Now then, I'm returning \$5,000, and we're going to decide this case solely on its merits."

Carlson was charged with stealing a Mercedes Benz, and after a long trial, the jury acquitted him. Later that day Carlson came back to the judge who had presided at the hearing.

"Your Honor," he said, "I wanna get out a warrant for that dirty lawyer of mine."

"Why?" asked the judge. "He won your acquittal. What do you want to have him arrested for?"

"Well, Your Honor," replied Carlson, "I didn't have the money to pay his fee, so he went and took the car I stole."

Unit 17

Sentencing and Punishment

Section 1. Text Work

Task 1. Answer these questions:

1. What modern types of punishment do you know?
2. Are mild sentences a sign of a civilized society?
3. Which forms of punishment are effective deterrents?
4. Which punishments can help to rehabilitate an offender?
5. What do you think are the main aims of the penal system in your country?

Task 2. Read and memorize the active vocabulary to the text *Sentencing and Punishment*

to punish/punishment	– покарати/покарання
retribution	– відплата, кара, покарання
deterrence	– стримування
to impose	– накладати
gravity	– серйозність
guilt	– вина
probation	– умовне звільнення на поруки підсудного
parole	– дострокове звільнення ув'язненого з в'язниці
victim	– жертва
life sentence	– довічне ув'язнення
community service	– громадські роботи
death penalty	– смертна кара
mutilation	– каліцтво; спотворення
to cane	– бити тростиною, ціпком
to whip	– бити кнутом, батогом
infliction	– заподіяння; накладання (штрафу)
previous conviction	– попереднє засудження
non-custodial sentence	– вирок, що не передбачає ув'язнення
imprisonment	– тюремне ув'язнення, позбавлення волі
probation officer	– інспектор з нагляду за умовно звільненими злочинцями
restoration	– відновлення

Task 3. Read and translate the text, write down all the unknown words.

Sentencing and Punishment

The main object of Criminal Law is to punish the wrong-doer. Punishment has as its objects both justice (retribution) and deterrence both of the wrong-doer and other potential criminals.

The punishment should fit the crime. Penalty must be imposed first of all according to the gravity of the crime committed, the personality of an offender, the nature of his guilt and other circumstances relevant to the case in hand. But no form of punishment can ever be totally rational – there will inevitably be a large element of subjective judgement.

More serious crimes are given harsher penalties. In declaring a sentence a judge may take into account the following: prior criminal record, the age of the offender and other circumstances surrounding the crime, including cooperation with law enforcement officers, the amount of loss to victims, whether a weapon was used in the crime, the age or helplessness of the victims.

Punishment may include: a fine, term of imprisonment (time in jail or prison), probation or parole, community service

For criminal offences *finer* are often used when the offence is not a very serious one and when the offender has not been in trouble before.

For more serious crimes the usual punishment is *imprisonment*. The length of sentences varies from a few days to a lifetime. However, a life sentence may allow the prisoner to be released after a suitably long period if a parole board agrees that his detention no longer serves a purpose. In some countries, such as the Netherlands, living conditions in prison are fairly good because it is believed that deprivation of liberty is punishment in itself and should not be so harsh that it reduces the possibility of the criminal re-educating and reforming himself. In other countries, conditions are very bad. Perhaps because of an increase in crime or because of more and longer sentences of imprisonment, some prison cells have to accommodate far more people than they were built to hold. Britain and the United States are trying to solve the shortage of space by allowing private companies to open prisons.

Probation is the suspension of jail time. An offender on probation is ordered to follow certain conditions set forth by the court, often under the supervision of a probation officer. Offenders are ordinarily required to refrain from subsequent possession of firearms, and may be ordered to remain employed, live at a directed place, obey the orders of the probation officer. Offenders on probation might be fitted with an electronic tag (or monitor), which signals their whereabouts to officials. Also, offenders have been ordered to submit to repeated alcohol/drug testing or to participate in alcohol/drug or psychological treatment, or to perform community service work.

Parole is the supervised release of prisoners before the completion of their sentence in prison. They may be returned to prison if they violate the conditions of their parole. Conditions of parole often include things such as obeying the law, avoiding contact with the parolee's victims, obtaining employment, and maintaining required contacts with a parole officer.

Parole should not be confused with probation, as parole is serving the remainder of a sentence outside of prison, where probation is given instead of a prison sentence and as such, tends to place more rigid obligations upon the individual serving the term.

Corporal punishment is a form of physical punishment that involves the deliberate infliction of pain as retribution for an offence, or for the purpose of disciplining or reforming a wrongdoer. This kind of punishment is still employed in Malaysia, Singapore, Pakistan, Zambia and Zimbabwe. Courts may sentence offenders to be caned or whipped. As well as corporal punishment, some Islamic countries such as Saudi Arabia and Iran use other kinds of physical penalties such as amputation or mutilation.

Community service requires the offender to do a certain amount of unpaid work usually for a social institution such as a hospital.

Restricting freedom in the form of house arrest as a new alternative type of punishment in Ukraine has now been adopted in connection with coming into force of new provisions in the Criminal and Criminal Procedural Codes.

Task 4. Read the text with the proper pronunciation of the words and intonation. Remember that your reading time is not more than 3 minutes.

Task 5. Answer the following questions.

1. What are the main purposes of punishment under the Criminal Law?
2. Why should the punishment fit the crime?
3. Are there totally rational punishments? Why?
4. What may a judge take into account in declaring a sentence?
5. What may punishment include?
6. What conditions are fines often used?
7. What punishment is prescribed for more serious crimes?
8. What does the length of sentences varies from?
9. Under what conditions may a life sentence allow the prisoner to be released?
10. What conditions is an offender on probation ordered?
11. What appliances might offenders on probation be fitted with?
12. What tests have offenders been ordered to submit to?
13. What kind of penalty is parole? What are the conditions of parole?
14. What is the main difference between parole and probation?
15. What form of physical penalty is corporal punishment? What types of corporal punishment do you know? What countries does it still exist?
16. What kind of work does an offender perform if he is sentenced to the community service? What offences is this type of penalty usually prescribed according to the Criminal Code of Ukraine?
17. What does *restricting freedom* mean? When is it prescribed?

Task 6. Pick out from the text all the word combinations with the following words and give their Ukrainian equivalents.

language, communication, to study, to speak, use (to use), to conduct, to consider

Section 2. Exercises to Be Done In Writing

Task 7. Make sure that you know the meaning of these words and word combinations in Ukrainian

retribution, deterrence, circumstances relevant to the case, prior criminal record, cooperation with law enforcement officers, helplessness of the victims, a term of imprisonment (time in jail or prison), probation/parole, a parole board, detention, deprivation of liberty, to reduce possibility of the criminal re-educating and reforming, an increase in crimes, suspension of jail time, to set forth conditions, to refrain from subsequent possession of firearms, offenders on probation, to fit an electronic tag (or monitor), to submit to repeated alcohol/drug testing, to participate in alcohol/drug treatment, parole, to supervise the release of a prisoner, completion of sentence in prison, to violate the conditions of their parole, to obtain employment, to maintain required contacts with a parole officer, to serve a sentence outside of prison, to place rigid obligations, the deliberate infliction to be on probation, retribution for an offence, to cane, mutilation, community service

Task 8. Make sure that you know the meaning of these words and word combinations in English.

правопорушник, карати відповідно до здійсненого злочину, потенційний злочинець, вина, раціональне покарання, суб'єктивне судження, суворе покарання, оголошувати вирок суду, брати до уваги, вік правопорушника, жертва, використовувати зброю, розмістити людей у тюремній камері, траф, громадські роботи, тривалість покарання, довічне ув'язнення, тюремна камера, дотримуватись певних умов, бути під наглядом інспектора з нагляду за умовно звільненими злочинцями, продовжувати працювати, жити у вказаному місці, дотримуватись вказівок інспектора з нагляду за умовно звільненими злочинцями, приймати участь у психологічному лікуванні, виконувати громадські роботи, виконувати закон, уникати контакту з жертвами умовно звільненого ув'язненого, тілесне покарання, відхлебтати батогом, виконувати неоплачувану роботу, обмежувати свободу, домашній арешт, нові положення кримінального кодексу, звільнити ув'язненого, ампутація, вступити в силу, новий альтернативний вид покарання

Task 9. Translate the following sentences and pay special attention to the underlined words or phrases.

1. Five objectives are widely accepted for enforcement of the criminal law by punishments: retribution, deterrence, incapacitation, rehabilitation and restitution. Jurisdictions differ on the value to be placed on each.
2. The aim of individual deterrence is to impose a sufficient penalty to discourage the offender from criminal behavior while general deterrence aims imposing a penalty on those who commit offenses, and other individuals are discouraged from committing those offenses.

3. Government supervision may be imposed, including house arrest, and convicts may be required to conform to particularized guidelines as part of a parole or probation regimen.
4. Incapacitation is designed to keep criminals away from society so that the public is protected from their misconduct. This is often achieved through banishment, prison sentences or death penalty.
5. Restitution is a victim-oriented theory of punishment which means to repair, through state authority, any hurt inflicted on the victim by the offender, e.g. the one who embezzles will be required to repay the amount improperly acquired.
6. The goal of retribution theory is to make a criminal suffer in some way, i.e. if criminals have inflicted unfair detriment upon others, the criminal law will put criminals at some unpleasant disadvantage to 'balance the scales,' e.g. people submit to the law to receive the right not to be murdered and if people contravene these laws, they surrender the rights granted to them by the law. Thus, one who murders may be murdered himself.

Task 10. Make the following sentences complete by translating the phrases in brackets.

1. The aim of rehabilitation is (перетворити правопорушника на цінного члена суспільства).
2. A judicial practice (за якою визначається вина чи невинуватість обвинуваченого) is a verdict.
3. (Покарання повинно застосовуватись відповідно до) the circumstances and the personality of the offender.
4. (Будь-які порушення наказу про громадські роботи правопорушником) will make him liable to fines or other punishment.
5. Until medieval times, (смертна кара була передбачена законом міра покарання).
6. Fines also may be imposed, seizing money or property from (особи, ув'язненої за злочин).

Task 11. Give synonyms to the words in bold type.

1. In a primitive society **punishment** was left to the individuals wronged and was vindictive or retributive: in quantity and quality it would bear no special relation to the character or **gravity** of the **offence**.
2. **The death penalty** by hanging for murder and some other **crimes** was first **suspended** in 1965, and was completely **abolished** in 1969 in Great Britain.
3. The juvenile committed a fresh **crime** during a probation period.
4. **The defendant** in a criminal case is entitled to certain protections **spelled out** in the Constitution.
5. A criminal prosecution begins when there is probable cause to believe that the accused **committed the crime**.

6. During the arraignment the defendant is free to enter either of the following **pleas**: a) guilty; b) **not guilty**; c) **insanity**; d) double jeopardy; e) no contest.

(cancel, mentally ill, a crime, penalty, declare, offence, wrong, capital punishment, do wrong, claim, innocent, prevent from being in force, seriousness, an accused,)

Task 12. Complete the following expressions choosing a suitable preposition from the list below; find the best way of expressing them in Ukrainian.

by×2, on, to, because of, for, in×2, of, under×2

1. The sentence is so severe the aggravating circumstances.
2. It was very strange that the accused was released bail.
3. Kelly was imprisoned life for his part bomb attacks.
4. You participated ... the conspiracy, that's why you are considered an accomplice.
5. It is prescribed ... the statute that custody and control of the inmates is the primary responsibility all correctional institutions.
6. A juvenile fifteen was sentenced ... imprisonment.
7. It was determined ... the court that the child will live with his relative the supervision of an agent of the court.

Task 13. Match the words on the left with their definitions on the right. Use them in the sentences of your own.

1. victim	a) a document issued by a legal or government official authorizing the police or another body to make an arrest, search premises, or carry out some other action relating to the administration of justice;
2. double jeopardy	b) the release of an offender from detention, subject to a period of good behaviour under supervision;
3. fine	c) a sum of money exacted as a penalty by a court of law or other authority;
4. warrant	d) restore smb to health or normal life by training and therapy after imprisonment, addiction, or illness
5. probation	e) the prosecution or punishment of a person twice for the same offence;
6. rehabilitate	f) a person harmed, injured, or killed as a result of a crime, accident, or other event or action;

Task 14. Complete the following text with the words and phrases from the box.

wrongdoer; misdeeds; deterrent; retribution; death penalty; corporal punishment; rehabilitate; reform; barbaric; law-abiding; humane

What is the purpose of punishment? One purpose is obviously to 1) _____ the offender, to correct the offender's moral attitudes and anti-social behaviour and to 2) _____ him or her, which means to assist the offender to return to normal life as a useful member of the community.

Punishment can also be seen as a 3) _____ because it warns other people of what will happen if they are tempted to break the law and prevent them from doing so. However, the third purpose of punishment lies, perhaps, in society's desire for 4) _____, which basically means revenge. In other words, don't we feel that a 5) _____ should suffer for his 6) _____?

The form of punishment should also be considered. On the one hand, some believe that we should "make the punishment fit the crime". Those who steal from others should be deprived of their own property to ensure that criminals are left in no doubt that crime doesn't pay. For those who attack others 7) _____ should be used. Murderers should be subject to the principle "an eye for an eye and a tooth for a tooth" and automatically receive the 8) _____.

On the other hand, it is said that such views are unreasonable, cruel and 9) _____ and that we should show a more 10) _____ attitude to punishment and try to understand why a person commits a crime and how society has failed to enable him to live a respectable, 11) _____ life.

Task 15. Translate these sentences into English.

1. Якби всі дотримувались законів, злочинність була б давно ліквідована.
2. Для того щоб винести справедливий вирок, необхідно враховувати всі обставини доказів.
3. Оскільки політичний тероризм зазвичай пов'язують з ідеологією шанування мучеників, які здійснили злочин, тому марними є спроби погрожувати терористам смертною карою.
4. Смертна кара - це умисне холоднокрровне вбивство людини державою, проте саме існування цього виду покарання є порушенням основних прав людини: міжнародне право забороняє жорстоке, негуманне та принизливе покарання людини.
5. Якби злочинці утримувались в кращих умовах, то тюремне ув'язнення більше сприяло б їхньому перевихованню.
6. В основі пробації має бути вивчення інспектором, який здійснює нагляд за поведінкою умовно звільнених неповнолітніх, кожної окремої справи.
7. Противники смертної кари вважають, що її відміна сприяла б розвитку демократії в країні.
8. Якби не оточення, в якому він виріс, та несприятливі умови, хто знає, може, він би і не став злочинцем.

Task 15. Read and translate the text in written form into Ukrainian.

Punishment describes the imposition by some authority of **deprivation** – usually painful – on a person who has violated a law, a rule, or other norm. When the violation is of the criminal law of society there is a **formal process of a**

accusation and proof followed by **imposition of a sentence** by a designated official, usually a judge. Informally, any organized group – most typically the family, may punish **perceived wrongdoers**.

Because punishment is both painful and **guilt producing**, its application calls for a justification. In Western culture, four basic justifications have been given: retribution, **deterrence, rehabilitation, and incapacitation**.

Most **penal historians** note a gradual trend over the last centuries toward more **lenient sentences** in Western countries.

Capital and corporal punishment, widespread in the early 19th century, are seldom invoked by contemporary society. Indeed, in the United States corporal punishment as such appears to be contrary to the 8th Amendment's restrictions on cruel and unusual punishment. Yet the rate of imprisonment in the United States appears to be growing. Furthermore, since the middle of the 20th century, popular and professional sentiment has taken a distinctly punitive turn and now tends to see retribution and incapacitation – rather than rehabilitation – as goals of criminal punishment.

Criminal sentences ordinarily embrace four basic **modes of punishment**. In descending order of severity these are: **incarceration, community supervision, fine, and restitution**. The death penalty is now possible only for certain types of **atrocious murders** and treason.

Punishment is an ancient practice whose presence in modern cultures may appear to be out of place because it purposefully inflicts pain. In the minds of most people, however, it continues to find justification.

Section 3. Exercises for Oral Practice

BRAINSTORM

Punishment is not for revenge, but to lessen crime and reform the criminal.

Elizabeth Fry

As long as you have capital punishment there is no guarantee that innocent people won't be put to death.

Paul Simon

I think capital punishment works great. Every killer you kill never kills again.

Bill Maher

What is your understanding of these words?

Task 15. Read and dramatize the following dialogues.

Ian: You see I cannot shut out from my mind what is going on in the court. What might the probable punishment be?

Lawyer: For the offences like this a wrong-doer can receive from 3 to 5 years of imprisonment if he has no defence.

Ian: Defence? What do you mean?

Lawyer: A defence is a reason for the court to excuse his act. But here we have neither duress which can be applied to a secondary party nor self-defence.

Ian: But you know he was cheated into it. It wouldn't be fair if he suffered a penalty like this. It's far too harsh. I hoped it might be community service or even a fine.

Lawyer: If I prove he was involved by deception it might mitigate the verdict. I mean I have to show the specific circumstances at the time of the wrong. Of course it will lessen the sentence.

Ian: You know he's never been in trouble before. And I'm sure he'll never be again. He is not the person to be sent to prison.

Lawyer: The fact that he's always been law-abiding might prove helpful as I'm going to insist on a suspended sentence.

Ian: Imprisonment in his case will only do harm and not help re-educate and reform him.

Lawyer: Indeed I have all evidence to get the sentence mitigated.

Peter: In most countries prisons are institutions in which every aspect of life is subject to control.

Brian: It's natural. It is a means of maintaining security, controlling the introduction of weapons, and preventing escapes.

Peter: Can prisoners be visited by their relatives?

Brian: Yes, but the number of visits is limited: one visit every four weeks.

Peter: Has this number ever been changed?

Brian: Yes, it is the prison governor who may increase or limit visits at his discretion.

Peter: And these visits are watched, aren't they?

Brian: Yes, they take place within the sight of an officer. And in some cases within his hearing.

Peter: I wonder if the conditions for visits vary in different prisons.

Brian: Yes, they do. In some prisons the visitor and the prisoner sit on different sides of a table with a partition between them. In others the prisoner and the visitor may be allowed to meet in a room without any physical barrier but still in the sight of officers.

Peter: Are conjugal visits allowed in Britain?

Brian: No. But I know in some U.S. states it is permitted for the prisoner's spouse to come and stay with the prisoner for a period of several days.

Peter: The prison authorities check the correspondence of prisoners, don't they?

- Brian:** Sure. And they can write only one letter a week.
- Peter:** And how can prisoners know what they can do and what not?
- Brian:** Oh, it's easy. Generally, prisons are governed by rules, so called a code of conduct. It lists prohibited behaviour. And each prisoner is given this code when he arrives.
- Peter:** I wonder what the prohibited offences are.
- Brian:** The most common are mutiny and violence to officers; escaping, or being absent from a place where the prisoner is required to be and others.
- Peter:** And what happens if the prisoner violates this code?
- Brian:** There is a number of disciplinary sanctions, which may include forfeiture of privileges, confinement within a punishment cell and others.

Task 16. Make up your own dialogues and act them.

1. Speak on the main purposes of punishment under the Criminal Law.
2. Dwell on the circumstances a judge takes into account in declaring a sentence.
3. Discuss with your partner the main types of punishment.
4. Types of punishment prescribed for more serious crimes.
5. Types of punishment prescribed for less serious crimes.
6. The main difference between parole and probation.
7. Dwell on your attitude to the corporal punishment.
8. Discuss various kinds of work an offender performs if he is sentenced to the community service.
9. What is your attitude towards the *restricting of freedom*.

Task 17. Discuss the following situations with your partner.

1. There are different opinions on the capital punishment. For what crimes can it be imposed? How does public opinion assess the deterrent effect of the death penalty? What is your attitude towards this type of penalty? Are you in the team of opponents or supporters of the capital punishment? What are the reasons of those who are for and against the capital punishment? Does this type of penalties still exist in Ukraine? When was it abolished? Are there any attempts to restore its application?
2. Most prisons are male institutions in which male offenders are guarded and receive services by a male staff, although women have begun to enter the staff of the male prison world, first as clerical and professional personnel and more recently as correctional officers. Do you think prison is the right place for women to work in? What kinds of jobs can women perform in the places of incarceration?
3. Who can better stand the burden of being incarcerated women prisoners or men prisoners? Why? Are there any different programs for male offenders

and women offenders available in the prisons to accommodate them after being released?

4. Many women prisoners are mothers with an average of two children. Many give birth in prison. The mother-child relationship poses problems to mothers that the correctional system can not resolve. Are there any programs for facilitating mother-child contacts? Are children's visits to prisons typically limited? How long may mothers keep their newborns in the places of incarceration?

Task 18. Read and retell the text. Pay attention to the words in bold, write them down, translate into Ukrainian and learn.

History of Punishment

In a primitive society punishment was left to the individuals wronged and was **vindictive** or **retributive**: in quantity and quality it would bear no special relation to the character or **gravity of the offence**. Gradually there arose the idea of proportionate punishment of which the characteristic type is "an eye for an eye". In early times a superstitious belief in omens, ghosts, witchcraft was very common. Superstitions maintained a grip on the lives of many people. It was tempting and easy to blame almost any misfortune on somebody else, and sometimes senile old women were the target of being accused of all kinds of witchcraft. "Witches" were frequently executed.

Trial by ordeal is a judicial practice by which the **guilt** or **innocence** of the accused is determined by subjecting them to an unpleasant, usually dangerous experience. Indeed, the term ordeal itself has the meaning of "judgment, verdict". In some cases the accused were considered innocent if they survived the test or if their injuries healed. In others, only death was considered **proof of innocence**. If the accused died they were often presumed to have gone punishment. In medieval Europe trial by ordeal was considered a procedure based on the premise that God would help the innocent by performing a miracle. With the passage of time the attitude of society towards the excesses of the criminal law gradually changed. The courts and the people themselves came to rebel against all the savagery. As to the people, the last public execution in England took place in 1868, in front of Newgate Prison. **The condemned man** was Michael Barrett, an Irish rebel sentenced for his part in a bomb attack. The crowd sympathized with Barrett and was so hostile towards the hangman that the execution almost **caused a riot**. From that time onwards all executions were held inside prisons. It was not until 1969 that **the death penalty** for murder was finally abolished. **Imprisonment** has always been a favoured form of punishment. For hundreds of years the Tower of London was regarded as the premier prison in the land.

The progress of civilization has resulted in a vast change in both the theory and in the method of punishment. With the growth of law, the state took over the **punitive function** and provided itself with the machinery of justice for the maintenance of public order. From that time crimes were against the state, and

such punishment as **lynching** became illegal. In the eighteenth century the humanitarian movement began to teach the dignity of the individual and to emphasize rationality and responsibility. The result was the reduction of punishment both in quantity and in severity, the improvement of the prison system, and the first attempts to study the psychology of crime and to distinguish classes of criminals with a view to their improvement. Later law breakers were considered as a product of social evolution and cannot be regarded as solely responsible for their disposition to offences. Crime was treated as a disease. Punishment, therefore, can be justified only if it either protects society or acts as a deterrent, or when it aims at the moral regeneration of the criminal.

Task 19. Topics for discussion.

1. Main purposes of punishment under the Criminal Law.
2. The circumstances a judge must take into account in declaring a sentence.
3. Main types of punishment.
4. Types of punishment prescribed for more serious crimes.
5. Types of punishment prescribed for less serious crimes.
6. The main difference between parole and probation.
7. Dwell on your attitude to the corporal punishment.
8. Various kinds of work an offender performs if he is sentenced to the community service.
9. Dwell on your attitude towards the *restricting of freedom*.

JUST FOR FUN

A young lawyer was defending a wealthy businessman in a complicated lawsuit. Unfortunately, the evidence was against his client, and he feared the worst. So the lawyer asked the senior partner of the law firm if it would be appropriate to send the judge a box of Havana cigars.

The partner was horrified. "The judge is an honorable man," the partner exclaimed. "If you do that, I can guarantee you will lose the case!"

Weeks later the judge ruled in favor of the lawyer's client. The partner took him to lunch to congratulate him. "Aren't you glad you didn't send those cigars to the judge?", the partner asked.

"But I did send them," replied the lawyer. "I just enclosed the plaintiff's lawyer's business card!"

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