



## EUROPEAN COOPERATION IN CRIMINAL MATTERS

### TEXT 2

## MUTUAL LEGAL ASSISTANCE

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## Key terms (*English – Czech*)

Study online: [https://quizlet.com/\\_2cr35c](https://quizlet.com/_2cr35c)

1. *apprehension*: The seizure and arrest of a person who is suspected of having committed a crime - exclusively for criminal cases  
zadržení, zajištění osoby
2. *arraignment*: the defendant is called to the bar of the court to answer an accusation  
předvedení zadrženého před soud
3. *arrest*: A seizure or forcible restraint; an exercise of the power to deprive a person of his or her liberty; the taking or keeping of a person in custody by legal authority, in response to a criminal charge or civil charges  
zatčení
4. *circumstantial evidence*: concluded by laws of reasoning - relies on inference
5. *direct evidence*: attested by witnesses or stated in documents, no reason to query it  
nepřímé důkazy
6. *Evidence tampering*: altering, concealing, falsifying, or destroying evidence with the intent to interfere with an investigation (usually) by a law-enforcement, governmental, or regulatory authority  
přímé důkazy
7. *exculpatory evidence*: intended to clear from guilt  
manipulace s důkazy
8. *Ex officio counsel*: by virtue of one's office  
důkazy o nevině
9. *felony*: an offense, as murder or burglary, of graver character than those called misdemeanours, especially those commonly punished by imprisonment for more than a year.  
advokát jmenován z moci úřední
10. *inculpatory evidence*: intended to establish guilt
11. *indigency*: a lack of ability to pay  
závažný trestný čin
12. *To subpoena a witness*: order a person to testify before the ordering authority or face punishment  
důkazy o nevině  
nemajetnost  
soudně předvolat svědka



**Material for Day 1:**

**AIM: practice social small talk and formal as well as semi formal conversation**

**Target: Having gone through the material you will be able to use common social conversation phrases and initiate as well as respond to social conversation:**

<b>Task 1: Social English: Please use when talking to your partner:</b>	
I hope you don't mind me asking,..	
May I ask you a personal question?	
I would rather not talk about it..	
What have you been up to?	
I have been meaning to ask you ....	
How was your journey ...	
Is this your first time in the Czech Republic or have you been here before	
May I ask what you mostly work on	
One thing I would like to know is whether .....	



<p><b>Material for Day 1:</b></p> <p><b>AIM: practice formal as well as semi formal conversation on the topic of law and use fundamental legal vocabulary</b></p> <p><b>Target: Having gone through the material you will be able to use common social conversation phrases and initiate as well as respond to social conversation on the topic of practice of law:</b></p>	
<p><b>Task 2: Practice of law: discuss with your partner</b></p> <p>Which university did you graduate from?          When did you obtain your first degree?          What did you major in?          What was the focus of your thesis?          Did you receive a PhD degree ?          Have you ever considered a career as an attorney?          Have you ever considered taking a different career path?          Have you ever considered studying for another degree?          When and where did you land your first job?          Were you happy in your first job?          Do you do legal research on daily basis?          Do you represent clients ?          Who can counsel people in your country?          Do you hear and try cases on a daily basis?          Do you sit on a bench as a presiding judge?          Can you explain the difference between the Senate and a Panel (Chamber)?          What is a court hearing?          Who can list a court hearing?          Are the hearings always held in a courtroom?          Do you go to a courthouse on a daily basis?          What is your main area of expertise?          Do you often hold hearings and meet parties?          Do you mostly handle civil or criminal proceedings?          What are your interests outside work?          Do you socialise with your colleagues outside work?          What examination does a qualified lawyer have to pass in order to become a judge?          Does your country have a pool of trainee judges and how do they qualify?</p>	



**Task 3: Vocabulary: revise and provide definitions or examples:**

to graduate from  
to obtain your first degree  
to major in  
focus of your thesis  
to receive a PhD degree  
to considered a career as ....  
to considered taking a career path  
to land your first job  
to do legal research (on daily basis)  
to represent clients  
to counsel people  
to hear and try cases  
to sit on a bench as a presiding judge  
a Senate  
a Panel (Chamber)  
a court hearing  
to list a court hearing  
in a courtroom  
a courthouse  
main area of expertise  
to hold hearings  
civil or criminal proceedings  
a qualified lawyer  
to pass an exam  
a pool of trainee judges



<b>Material for Day 1:</b> <b>AIM: acquire and practice fundamental procedural and substantive legal vocabulary</b> <b>Target: Having gone through the material you will be able to form questions and respond to them using fundamental procedural and substantive legal terminology</b>	
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<b>Task 4: CRIMINAL PROCEEDINGS:</b> <b>Please discuss with your partner the following questions:</b>	
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Could you explain the difference between arrest and apprehension?

Does a police officer need an arrest warrant to arrest a person?

How long can a person be detained without an arrest warrant?

Can probable cause be contested before a judge?

Does the judge test the probable cause before issuing an arrest warrant?

Under the national law of your country must the person always be arraigned?

Does the "detained" person have to be arraigned?

Which two pleas may the defendant enter?

(How do you wish to plea?)

What is the difference between inculpatory and exculpatory evidence?

What is the difference between direct and circumstantial evidence?

Could you give some examples of forensic evidence?

What is the difference between evidence and testimony?

What do you understand under the term "exhibit" ?

Is witness tampering a criminal offence under the national law of your country?

Can evidence be contaminated in civil proceedings too?



Does the expert witness have an obligation to remain impartial?

Is it at the discretion of the judge if the witness is subpoenaed?

Which of the two is admissible - the oral sworn statement or affidavit or both?

<b>Task 5: Lexical items to practice:</b>	
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arrest versus apprehension

an arrest warrant - to issue an arrest warrant

detained without an arrest warrant

a probable cause - to contest probable cause - to test the probable cause

to be arraigned

the detainee - the detained person

to enter a plea - to play guilty or not guilty

inculpatory versus exculpatory evidence

direct versus circumstantial evidence

forensic evidence

evidence versus testimony

an exhibit

witness tampering

contaminated evidence

an obligation to remain impartial

to be at the discretion of the judge

national law

<b>Task 6: PLEASE AGREE WITH YOUR PARTNER ON THE MEANING OF THE FOLLOWING:</b>	
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To be apprehended



To be arrested

To be fingerprinted

To be booked

To be charged with a criminal offence

To be charged with felony

To appear pro se

To invoke / revoke right to counsel

Ex officio counsel

To be appointed

Appointment of counsel

To be indigent

To issue an indigency declaration

To hold an indigency hearing

Indigency proceedings

Administrative proceedings

Civil proceedings

Criminal proceedings

To enter a plea

Bail hearing

To seek to be released on bail

To keep in custody

To be at flight risk

House arrest - tracking device

Protective custody

Witness tampering / intimidation

Evidence tampering





To furnish evidence

To test evidence

Inculpatory evidence

Exculpatory evidence

Circumstantial evidence (hearsay)

Direct evidence

Forensic evidence

Exhibit

Documentary evidence

Testimony

To test evidence

Credibility of a witness

Expert witness

A listed (chartered) expert

Contaminated evidence

Anonymous witness

To challenge the credibility of the witness

Character assassination

To establish beyond reasonable doubt - It has been established as a fact

Felony x misdemeanour - right to counsel

To invoke the right to counsel

To accuse the expert witness of not being impartial (being tampered with)

To subpoena a witness - obligation of a witness to testify - to appear

To escort a witness

To receive a subpoena

To appoint an expert witness



At the discretion of the judge

Sworn statement - only oral testimony - not an affidavit

### Key to exercises: Task 3: Vocabulary

<p><i>to graduate from university</i> <i>to obtain your first degree in law and legal science</i> <i>to major in law or sociology</i> <i>focus of your thesis was criminal law</i> <i>to receive a PhD degree from Prague University</i> <i>to considered a career as an academic - to considered taking a career path after leaving the judiciary</i> <i>to land your first job as a law clerks</i> <i>to do legal research (on daily basis) in the area of civil law</i> <i>to represent clients means almost the same as to counsel people</i> <i>only judges may hear and try cases</i> <i>to sit on a bench as a presiding judge</i> <i>a Senate is a political group of people</i> <i>a Panel (Chamber) - a team of judges</i> <i>A court hearing can be listed by the judge and held in a court room of a court house.</i> <i>My main area of expertise is civil law.</i> <i>Sometimes civil or criminal proceedings may be initiated regarding one matter.</i> <i>A qualified lawyer must pass an exam to become a judge.</i> <i>In some countries law clerks form a pool of trainee judges.</i></p>	
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### Task 4: CRIMINAL PROCEEDINGS:

- *difference between arrest and apprehension: arrest only by police apprehension by anybody in appropriate circumstances*
- *be detained without an arrest warrant- no judicial consent for holding the person*
- *probable cause - the reason to give judicial consent*
- *be arraigned - be taken before judge or court*
- *two pleas may the defendant enter: guilty - not guilty*
- *inculpatory evidence proves guilt and exculpatory evidence proves innocence*
- *direct evidence is enough to convict and circumstantial evidence requires chain of evidence*
- *examples of forensic evidence: autopsy report, fingerprints report, DNA analysis*
- *evidence: almost everything can be evidence - testimony is a form of evidence*
- *the term "exhibit" means material object used or proposed as evidence*



- *witness tampering : means manipulating the witness*
- *contaminated evidence means the chain of custody is broken*
- *to subpoena the witness means to call him*

**Links: Key terms:** [https://quizlet.com/\\_2cr35c](https://quizlet.com/_2cr35c)

**Criminal vocabulary study set:** [https://quizlet.com/\\_2a78eq](https://quizlet.com/_2a78eq)

**Funny videos:** <http://youtu.be/5035TY5RSpg>