University of Mohamed Lamine Debaghine – Sétif 2

Faculty of Law& Political Sciences

Department of Law

English Terminology Lessons

Addressed to First Year Master Students

(Criminal Law & Criminal sciences)

The Lessons are Based on Texts Selected and Treated by

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Text 1

The Origins of Criminal Law in the Ancient Civilizations (Part I)

Criminal law is as old as human society. The fundamental primary idea that an offence deserves to be punished for order and peace to be restored in a human community has been present in all civilizations. Primitive communities were fully aware that some kinds of offences did not only damage particular individuals but the whole of society. Before written codes of conduct, the earliest societies relied on religion, customs and magic to maintain order', that 'in the religious perspective, not only could the offending individual but the entire social group become subject to the wrath of the gods' and that 'Responsibility was collective in nature, as was punishment'. In Antiquity, while custom emanated from the people, law was forced on the community by the decree of a master, a monarch, a ruler, or group of elders. Moreover, some of the written laws or codes of the first civilizations contained provisions that had an indisputably criminal-law nature, even if they did not make a general distinction between civil law and criminal law.

The most important written laws were the Code of Hammurabi (1754 BC) of Babylon, the Mosaic Law (or Hebrew laws) (600–400 BC), the Twelve Tables of the Romans (449 BC). They all contained criminal law provisions and their contents reveal a transfusion between most of these civilizations. The *Code of Hammurabi* is the most comprehensive one. It laid down the well-known principle of '*lex talionis*', or an 'eye for an eye and a tooth for a tooth', establishing a strict idea of accountability and retaliation as a principle of criminal law: a measured reaction based on religious, social or legal rules and principles such as reciprocity, equality, adequacy. The most common penalties were fines, particularly if the offender was from the upper class. The death penalty was also frequently prescribed for several infractions: theft, poor architecture that led to death, maternal incest, adultery, rape and false accusation, among others. Exile and corporal punishment were also imposed, as well as other punishments involving penal retaliation such as 'cutting off the hand of a son who struck his father', the loss of an eye that 'pried into forbidden secrets' and the severing of 'a surgeon's hand that caused the loss of life or limb'. The code also addressed some relevant substantive and procedural criminal law notions: culpability (penalties were less harsh if the offence had

been committed unintentionally), suspicion (the offender could often only be prosecuted if caught in the act or in possession of stolen goods) and appeal with the possibility of being heard by a superior court and ultimately by the king himself.

Roman law connected Antiquity with the Modern Age because part of its first laws, the Twelve Tables (449 BC), was included in the Compilation of Justinian (527–533 AD) that later on was received and studied in Europe, from the end of the eleventh century to the nineteenth, when the liberal states codified their laws. Two of the Twelve Tables dealt with criminal law: Table 7 ('Land rights and crimes') and Table 8 ('Torts and delicts' or Laws of injury). When dealing with crimes and punishments, the Tables tackled specific crimes connected to homicide, including intentional, accidental and paternal; other conducts were punishable too: libel, assault and injury, intentional or accidental damage, farming and livestock grazing on another's land etc.…. The death penalty was frequently prescribed, although its imposition needed to be authorized by the court. Personal retaliation, that included – unlike vengeance – the talion principle, was permitted in cases of theft and intentional injury.

Roman law made a clear distinction between public and private offences, *crimen* and *delictum*, with only the former deserving the reaction of the state. This was because only public delicts or *crimina* violated the public interest and public values. Thus, Roman criminal laws can be systematically found in both private (*ius privatum*) and public law (*ius publicum*). As public crimes were illegal acts that hurt the interests of the community, corporal punishments (death, exile, mutilation, forced labour, etc.) and pecuniary penalties were not imposed as a matter of principle for the benefit, as it were, of their victims. These were crimes that required a public accusation and prosecution through a special procedure for punishment to be meted out and the criminal procedure was conducted before special, repressive courts. Private delicts were those acts that *stricto sensu* originated an obligation between the perpetrator of the illicit act and the victim by virtue of which the latter could claim the payment of a sum of money as penalty and compensation, following the retaliation (Talion principle), and the former was constrained to pay it. After the revival of Roman law in the twelfth century, Roman-law classifications and jurisprudence provided the foundations for the distinction between criminal and civil law in the European legal tradition from then until the present time.

Text 2

The Origins of Criminal Law in the Ancient Civilizations (Part II)

Situation of Law during the Early Middle Ages:

Society in the Early Middle Ages was dominated by constant rivalries, physical violence, private revenge and war. The emergence of the feudal system (8th century) and of the overlord regime (11th century) reflects the existence of social communities in which political power was notably weak and people had to work out ways to protect themselves.

In addition to a variety of laws derived from the postclassical and vulgar Roman laws, as well as the abovementioned Germanic laws, two important institutions to attain peace emerged: Assemblies of Peace and Truce of God. The *Peace of God* was designed to protect and defend the weakest members of society – orphans, widows, the clergy and suchlike – but it also sought to give protection to commerce and traders. The *Truce of God* sought to restrict the times during which battles could be fought: from 'sunset on Wednesday. . . until sunrise on Monday', for example. Constitutions declared the unlawfulness of fighting against or killing someone during such periods of truce and punishments were established for those who transgressed them.

Most of the criminal laws of the Early Middle Ages derived from, and were highly influenced by, Roman and Germanic laws. They attempted to limit the scope of private revenge and showed an objective notion of crime. Some local laws appeared all over Europe containing criminal provisions, most of them attached to the particularities of their own geographical and social contexts, but in general they were influenced by post-classical Roman laws and Germanic laws.

The Birth of the Science of Criminal Law in the Late Middle Ages:

The Late Middle Ages witnessed the beginning of the science of criminal law. The creation and proliferation of universities all over Europe – in which the teaching of theology, law and medicine took place – together with the gradual discovery and study of the different parts of Justinian's compilation (in the sixteenth century called '*Corpus Iuris Civilis*') that encompassed the classical Roman law, as well as the promulgation of a variety of canon laws.

Four important developments of late-medieval criminal law should be highlighted briefly. First, the decisive step towards the replacement of private revenge with public criminal law was made possible thanks to the emergence of a royal power that was, in turn, supported by universities that taught and promoted Roman laws, which entrusted and empowered the Emperor. Second – and connected to the first – the introduction of a new procedure, i.e., the inquisitorial one, intended to replace the accusatorial procedure in those cases in which a public interest – not just the victim's – was at stake. While the distinction between public or private interest was related to, and came from, Roman law the inquisitorial process stemmed from canon law.

Third, late-medieval criminal law based the crime upon the principle of guilt, replacing the objective notion of crime by a subjective one. The principle of culpability became the main pillar of the criminal law in general and of any criminal offence in particular. Crime and sin were considered different but related categories, on the basis that law is somehow connected to morality. If there is no sin without free will, there can be no crime without culpability, either by negligence (*culpa*) or by intent (*dolus*). And fourth – connected to the third – if any crime implied the deliberate commission of an act that produces a particular damage to the political community as a whole (e.g., treason) or to individuals in their lives (e.g., homicide), liberties (e.g., rape) and properties (e.g., theft or robbery), the sanction imposed sought a plurality of goals, some of which included repayment (as in tort law), revenge for the wrong committed (as in the ancient law, e.g., *lex talionis*) and the healing of the convicted. This last objective was conceived along the same lines of the healing and comfort penance affords the sinner after they recognize and declare their sins in the tribunal of confession.

In sum, the development of medieval criminal law was greatly moulded by the *ius commune* doctrine, even though it did not always reflect the progress achieved by lawyers. This would happen even more in the Early Modern Age, for reasons that were political in nature.

Text 3

The Origins of Criminal Law in the Ancient Civilizations (Part III)

The Development of Criminal Law in the Early Modern Age:

The invention of the printing press (1436), the discovery of America (1492), the creation of the modern state (16th century) and the rise of political absolutism in many European jurisdictions (16th to 18th centuries) affected the development of Early Modern criminal law. *Ius commune* lawyers continued the task of studying and systematizing criminal law notions, categories and classifications on the basis of Roman and canon laws contained in the *Corpus Iuris Civilis* and *Corpus Iuris Canonici*. The notions of crime and punishment were further developed, including the criminal/inquisitorial procedure and the question of proof and torture.

Following in the footsteps of late-medieval lawyers, some *ius commune* lawyers started to deal with criminal law in a less casuistic and more systematic way (Clari, Deciani, Farinacii..). They wrote and published works on criminal law supplying their own definition of crime. They also studied the different kinds of guilt, giving rise to the first criminal law treatises that revolve around the notion of crime. Deciani's work, for example, might be regarded as a clear precursor of the divide between the General Part and the Special Part of modern criminal codes. Early Modern scholars also further developed the study of the circumstances of the crime (exculpatory, mitigating and aggravating). However, perhaps the most important development of this period was the special notion of criminal penalty developed by Spanish Late Scholasticism, which transfused the theological notion of God's penalty (*pœna æterna*) inflicted solely for a guilty mind into canon law first and secular criminal law eventually.

On the legislative level, the Early Modern Age witnessed the promulgation of new comprehensive laws and "codes" in France, England and Germany. From the sixteenth century onwards, criminal laws were dominated and influenced by states governed by absolute monarchies that regarded and put criminal laws at the service of political aims. That was particularly noticeable in some institutions with regard to both substantive and procedural criminal law.

The Enlightenment and Criminal Law Reform in the Late Modern Age:

In the eighteenth century, criminal laws were in a critical state both substantively and formally. The conception by absolute monarchs of the criminal law as a political tool at the service of the interests of the state greatly undermined the consistency of criminal law provisions. Enlightened political philosophers and lawyers such as Montesquieu, Beccaria, Rousseau, among others, fiercely criticized eighteenth-century criminal law. However, any criticism was deemed to fail unless political conditions favourable to penal reform were brought into being. This happened in the nineteenth century, once the *Ancien Régime* had been replaced by a liberal system based upon modern constitutions that guaranteed the rule of law, the sovereignty of people, the separation of powers and the protection of fundamental rights. It was within this new political context that the desired criminal law reform was undertaken through a new technique, the modern codes (or 'liberal codes'), clearly distinguishable from the compilations of the Early Modern Age and the codes of the eighteenth century (or 'enlightened codes').

The most important criminal law principles and reforms that had been advocated by the Enlightenment were declared and undertaken at the political level and consecrated in the main political text, the constitutions, to be thereafter addressed in codes. These were the legality of crime and punishment, the proportionality between crime and punishment, the individuality of punishment, the suppression of confiscation and the abolition of torture.

The humanization of the penal law was not an innovative contribution of the Enlightenment. Some *ius commune* jurists had already upheld the importance of humanizing punishments and creating an appropriate proportion between crime and punishment. Be that as it may, the gradual process of depenalization of certain criminal deeds and the reduction of the number and forms of punishments could be attributed to the humanization brought about by the liberal criminal law but the abolition or mitigation of the severity of certain punishments was the result of a slow process that took place over the 19th and 20th centuries. Bentham's utilitarianism and the idea of prevention or intimidation occasionally sharpened the infamous effect of some punishments and their execution. This explains why judicial discretion still played a remarkable role in some nineteenth-century jurisdictions.

Criminal Law	القانون الجنائي
Offence	جريمة أو جرم
Order and peace	النظام والسلام
codes of conduct	مدوّنات السلوك
customs	الأعراف
wrath of the gods	غضب الآلهة
punishment	العقوبة
decree of a master	مرسوم السيّد
monarch	الملك
ruler	الحاكم
group of elders	مجموعة الشيوخ (كبار السن)
Responsibility	المسؤولية
provisions	الأحكام (القانونية)
civil law	القانون المدني
Code of Hammurabi	قانون حمورابي
Mosaic Law (Hebrew laws)	الشريعة الموسوية (القوانين العبرية)
the Twelve Tables	الألواح الإثني عشر (الرومانية)
principle of ‘lex talionis’ (eye for eye and tooth for tooth)	قانون تاليون (قانون الانتقام) "العين بالعين والسن بالسن"
accountability	المسؤولية أو المساءلة
retaliation	الانتقام

Reciprocity	المعاملة بالمثل
equality	المساواة
adequacy	الملاءمة
fines	الغرامات
offender	الجاني (المعتدي)
upper class	الطبقة الرّاقية (العليا)
Suspicion	الاشتباه
The death penalty	عقوبة الإعدام
infractions	الجرائم (المخالفات عموما)
theft	السّرقة
poor architecture	سوء الهندسة المعمارية
maternal incest	سفاح أو زنا المحارم
adultery	الزنا
rape	الاغتصاب
false accusation	الاتّهام الكاذب
Exile	النّفي
Corporal punishment	العقوبات البدنية
‘pried into forbidden secrets’	'التّطفل أو التّجسس على أسرار ممنوعة'
Serving of a surgeon’s hand	بتر يد الجرّاح
Substantive criminal law	القانون الجنائي الموضوعي
Procedural criminal law	القانون الجنائي الإجرائي
culpability	الإدانة عن الجرم

unintentionally	دون قصد
Prosecution	المتابعة أو الملاحقة القضائية
Possession of stolen goods	حيازة الأشياء المسروقة
appeal	الاستئناف
Superior court	المحكمة العليا
The compilation of Justinian	مجموعة أو مدوّنة جستنيان
Land rights	حقوق الأرض
Torts and delicts (Laws of injury)	الأضرار والجنح أو قانون الأضرار
Homicide	قتل الإنسان
libel	التشهير أو القذف
assault	الاعتداء
theft	السرقة
Public law (*ius publicum*)	القانون العام
Private law (*ius privatum*)	القانون الخاص
Illegal acts	أفعال غير قانونية
mutilation	تشويه
Forced labour	العمل القسري
Pecuniary penalties	العقوبات المالية
victim	الضحية
Public accusation	الاتهام العام
compensation	تعويض
jurisprudence	الاجتهاد القضائي (القضاء)

Constant rivalries	النّزاعات (الصّراعات) المستمرّة
Physical violence	العنف الجسدي
Private revenge	الثّأر الشّخصي
Feudal system	النظام الإقطاعي
Political power	السلطة السّياسية
Assemblies of peace	مجمّعات (جمعيات) السّلام
Truce of God	هدنة الرّب
Protection	الحماية
Traders	التّجار
Constitution	الدستور
Unlawfulness fighting	عدم مشروعية القتال
To transgress	ينتهك
Local laws	القوانين المحلية
Corpus iuris civilis	مجموعة القانون المدني
Promulgation	إصدار
Canon laws	القوانين الكنسية
Royal power	السلطة الملكية
Inquisitorial procedure	الإجراء (النظام) التّحقيقي
Accusatorial procedure	الإجراء (النظام) الاتهامي

Principle of guilt	مبدأ الذنب (الجرم)
sin	الخطيئة
Negligence (*culpa*)	الإهمال
Intent (*dolus)*	القصد
Deliberate commission	ارتكاب (الفعل) المتعمّد
treason	الخيانة
robbery	السّطو
sanction	الجزاء
convicted	المُدان
Tribunal of confession	محكمة الاعتراف
Ius commune	القانون العام
torture	التعذيب
God's penalty (*poena oeterna)*	العقوبات الإلهية
Absolute monarchies	المَلَكيات المطلقة
The rule of law	حكم أو سيادة القانون
Sovereignty of people	سيادة الشعب
Separation of powers	الفصل بين السلطات
Fundamental rights	الحقوق الأساسية
Legality of crime	مبدأ شرعية الجريمة

Legality of punishment	مبدأ شرعية العقوبة
Proportionality	التّناسب
Individuality of punishment	تفريد العقاب
Suppression of confiscation	منع المصادرة
Abolition of punishment	إلغاء العقوبة
The humanization of the penal law	أنسنة قانون العقوبات
Mitigation of punishment	تخفيف العقوبة
intimidation	التّرهيب
depenalization	إزالة الصّفة الجرمية
Criminal deeds	الأفعال الجُرمية
Reduction of punishment	تخفيض العقوبة
Execution	التّنفيذ
Judicial discretion	التقدير القضائي (السلطة التقديرية للقاضي)
Jurisdictions	الولايات القضائية

Text 4

Criminal Responsibility

The Principle of Individual Criminal Responsibility in Criminal Law

Criminal law differs from other areas of law in that it focuses on human actions and omissions as the foundations of guilt. This does not rule out the criminal liability of corporations and legal entities, as most legal systems accept this responsibility as part of their criminal law. However, in countries such as Germany and Turkey, the principle is understood to exclude the criminal liability of legal entities and only punish natural persons.

The actual meaning of individual responsibility is apparent in the fact that people cannot be punished for others 'actions or omissions. This principle effectively prohibits vicarious liability (liability for the actions or omissions of another person) under criminal law. Thus, moral responsibility can be considered a necessary condition for criminal liability. However, criminal liability may arise from a failure to exercise a duty to effectively supervise the actions or omissions of other people, typically, employees. This kind of liability can still be generally associated with the personal guilt of the supervisor. Additionally, special modes of liability, such as indirect perpetration, command responsibility, and complicity in crime, are accepted as concordant with the principle of individual responsibility. Particularly in international criminal law, command responsibility is understood to encompass the liability of military and non-military commanders for crimes committed by people under their Effective command and control (or, when applicable, effective authority and control), as provided by the Rome Statute of the International Criminal Court, Article28.

The Role of Personal Guilt in Criminal Responsibility:

The premise of individual criminal responsibility is further developed by the principle of guilt, according to which criminal responsibility can only be based on a guilty action or omission (*nulla poena sine culpa*, no punishment without guilt) and must have been able to make a free choice between what is legally right and legally wrong and must have chosen the wrong alternative over the right alternative. In other words, people cannot be blamed for their actions or omissions if they "could not help doing it".

The definition and scope of the principle of guilt are not uniform across criminal legal systems. In most civil-law countries like Germany, it is understood that strict liability offenses violate this principle, no person can be punished without personal guilt and blame worthiness, and the burden of proof cannot be reversed and laid on the defendant. In contrast, common-law systems such as England and Wales, Canada, and the USA accept strict liability offenses or strict responsibility in criminal law, particularly in cases of minor infractions. In these cases, the culpability of the offender does not need to be present or bound to a presumption that needs to be proven wrong to exculpate the defendant.

In civil-law systems, such presumptions would most likely be seen as violating the principle of guilt. However, in common-law systems, strict liability offenses can be punished with imprisonment. In these cases, the lack of culpability in a concrete case may result in a mitigated sentence but does not necessarily change the nature of the penalty, as criticized in.

There is one aspect of the principle of guilt where it is possible to observe a wide consensus among legal systems: that criminal punishment must be proportional to guilt. Even if the same amount of damage has been caused by two different actions, punishment must be separated for negligent and intentional behavior, and further distinctions should be made for different degrees of *mens rea*, *such* as premeditation, direct intent, recklessness, and negligence.

Text 5

Defences and criminal responsibility

In most criminal legal systems, it is generally accepted that actions committed under specific circumstances constitute an exception to liability. However, the nature and effects of these circumstances vary significantly across different jurisdictions.

In civil-law countries, defences are divided into causes of justification and excuse and are seen exclusively as part of substantive criminal law. Causes of justification, such as legitimate defence, are considered to bring the action in full conformity with the law, resulting in a full exoneration of the defendant. In contrast, causes of excuse do not affect the illegitimacy of the action but provide an exculpation for the defendant; as a result, the defendant cannot be punished with a criminal penalty but may be subject to special preventive measures.

Jurisdictions under the influence of common law do not distinguish between justification and excuse very strictly; although the distinction is expressed theoretically, in practice, both form part of the broader category of defences. In addition, in common law, defences are in close contact with the law of evidence, which is part of the procedural law.

This distinction also affects the burden of proof in many defences. In civil law countries, criminal procedure does not generally accept presumptions of guilt, and any defence falls under the general presumption of innocence: the court may only reject a defence if it cannot be shown beyond reasonable doubt that the defence did not occur.

In contrast, for many common-law jurisdictions, the so-called affirmative defences, which comprise all forms of excuse, lay the burden of proof partly on the defendant, who must introduce credible evidence for the occurrence of the excuse. The category of exculpating defences, or excuses, refers to circumstances that affect the defendant's ability to understand the legal and social nature of his or her conduct and the capacity to conform his or her behaviour to this understanding. Any lack of this understanding or capacity would mean that the defendant cannot act as an agent that can freely choose between right and wrong and thus cannot be considered guilty of his or her

conduct. While some defences affecting this freedom of choice may have a temporary or permanent effect on the personal decision-making process and capacity to understand the nature of the wrongdoing (insanity for example), others appear as external effects that do not concern the defendant's criminal capacity but their *mens rea* (duress, coercion). It should be noted that jurisdictions heavily disagree over which circumstances to accept as affecting the perpetrator's criminal responsibility and what the effects of a partial or full excuse are.

Text 6

Common Defences Affecting Criminal Capacity

1/ Insanity

In most civil-law countries, insanity is mostly defined as being incapable of appreciating the unlawfulness of one's actions or of acting in accordance with any such appreciation. In fact, the legal definitions found in the respective criminal codes of these countries are almost identical. This definition comprises two elements: cognitive and volitional. The lack of either element results in a successful insanity defence. Thus, both mental conditions that result in an inability to distinguish right from wrong and conditions that involve uncontrollable or irresistible impulses can result in a lack of capacity.

It should be noted that various civil-law countries adopt different determinations as to when the capacity is to be considered affected. As such, some countries speak of a complete lack of cognitive ability (i.e., the perpetrator cannot comprehend the legal meaning or consequences of the act he or she has committed), while the perpetrator's ability to control their behaviour only needs to be significantly diminished. whereas other countries include the following list of mental conditions that qualify as a basis for the insanity defence: "a pathological mental disorder, a profound consciousness disorder, debility or any other serious mental abnormality". Other civil-law criminal legal systems, refrain from legally defining mental illness and from specifying the types of mental conditions that would lead to an exclusion of criminal responsibility.

Common-law systems mostly derive their definition of the insanity defence from the M'Naghten standard, laid down by the UK House of Lords in the case of Daniel M'Naghten in 1843 The standard, defined by Justice Tindal, is as follows: "To establish a defence on the ground of insanity, it must be proved that, at the time of the committing of the act, the party accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing or if he did know it, that he did not know he was doing what was wrong." . As can be seen, the original M'Naghten

standard only mentions the cognitive element, stressing "not knowing the nature and quality of the act," while it does not recognize the volitional element. However, this standard has been revised in 1991 under the UK Criminal Procedure Act as to incorporate the volitional element and to replace the outdated terminology "disease of the mind" with any kind of "mental impairment," which could encompass intellectual disability and personality disorders.

2/ Infancy and Age of Criminal Responsibility:

Age of criminal responsibility refers to the minimum age at which a person can be held accountable for committing a criminal offense. In general, most legal systems recognize a minimum age for being considered a subject under criminal law capable of committing a crime; however, the specific age limit may vary significantly across different countries. The 1989 UN Convention on the Rights of the Child specifically mentions the minimum age of responsibility under art. 40/3 as part of duties of States parties to the convention. The UN Committee on the Rights of the Children stated in 2007 that legislating the age of responsibility below the age of 12 was not "internationally acceptable.".

The age of responsibility is typically based on the assumption that children below a certain age lack the capacity to understand the nature and consequences of their actions. However, establishing a precise age threshold is challenging because of the inherent individual variability in cognitive and emotional development. Thus, an irrefutable legal presumption is set that excludes children below a certain age from responsibility, although in specific cases, the mental capacity of the child may indeed have reached the natural maturity that would, under normal circumstances, lead to liability. This presumption is independent of the nature of the crime committed.

Children below the age of responsibility may be subject to special protective measures that aim to protect them from outside influences that could lead to criminal behaviour or to remove them from a harmful environment. However, it should be noted that the process of determining such a measure lies normally outside of the rules of criminal procedure.

Under most legal systems, a distinct juvenile court structure and criminal procedure are provided for children above the age of criminal responsibility. In determining whether the child may be punished as an adult or whether they

should be treated as a child, their mental capacity may be individually assessed by experts.

Individual Criminal Responsibility	المسؤولية الجنائية للفرد
actions	الأفعال
omission	الامتناع عن الفعل
foundations of guilt	تأسيس الجرم
criminal liability	المساءلة (المسؤولية) الجنائية
corporations	االشركات
legal entities	الكيانات القانونية
natural persons	الأشخاص الطبيعيون
To prohibit	يحظر أو يمنع
vicarious liability	المسؤولية بالنيابة (غير المباشرة) أي المسؤولية عن فعل الغير
failure	تقصير (فشل)
duty	الواجب
Supervise (supervisor)	الإشراف أو الرقابة
indirect perpetration	ارتكاب غير مباشر الفعل
command responsibility	مسؤولية القائد
complicity	الاشتراك في الجريمة (التّواطؤ)
liability of military commanders	مسؤولية القادة العسكريين
non-military commanders	مسؤولية القادة غير العسكريين
Effective command or control	القيادة أو السيطرة الفعلية
effective authority	السلطة الفعلية
the Rome Statute of the International Criminal Cour	نظام روما الأساسي للمحكمة الجنائية الدولية

no punishment without guilt (*nulla poena* sine culpa)	لا عقوبة دون جريمة
criminal legal systems	أنظمة القانون الجنائي
civil-law countries	بلدان القانون المدني
burden of proof	عبء الإثبات
worthiness	الاستحقاق
common-law systems	بلدان القانون العام
minor infractions	المخالفات البسيطة
Offender	المعتدي أو الجاني
presumption	قرينة
To exculpate	برّأ
defendant	المتّهم (المدّعى عليه)
imprisonment	الحبس
mitigated sentence	الحكم (العقوبة) المخفّف
intentional behaviour	السّلوك المتعمّد
mens rea	القصد (الركن المعنوي)
premeditation	التّعمد (سبق الإصرار والتّرصد)
direct intent	القصد المباشر
recklessness	التّهوّر
negligence	الإهمال
causes of justification	الأفعال المبرّرة
causes of excuse	الأعذار
legitimate defence	الدّفاع الشرعي
Conformity	التّوافق أو التّطابق
exoneration of the defendant	تبرئة المتّهم

special preventive measures	تدابير احترازية خاصة
law of evidence	قانون الإثبات
procedural law	قانون الإجراءات
presumption of innocence	قرينة البراءة
beyond reasonable doubt	بما لا يدع مجالا للشك
credible evidence	دليل موثوق (ذو مصداقية)
the defendant's ability	قدرة المتّهم
guilty	مذنب أو جان (مُدان)
freedom of choice	حرية الاختيار
decision-making process	عملية اتّخاذ القرار
Duress	الإكراه
coercion	الإجبار أو إرغام
insanity	الجنون
cognitive element	عنصر الإدراك
Volitional element	عنصر الإرادة
uncontrollable or irresistible impulses	الدوافع التي لا يمكن السيطرة عليها أو مقاومتها
lack of capacity	نقص الأهلية
pathological mental disorder	الاضطراب العقلي المرضي
consciousness disorder	اضطراب الوعي
mental abnormality	اعتلال (مرض) عقلي
House of Lords	مجلس اللوردات
defect of reason	عيب عقلي
disease of the mind	مرض عقلي
mental impairment	ضعف (قصور) عقلي

intellectual disability	إعاقة ذهنية
personality disorders	اضطرابات في الشخصية
Infancy	الطفولة (صغر السن)
Age of criminal responsibility	سن المسؤولية الجنائية
The UN Convention on the Rights of the Child	اتّفاقية الأمم المتحدة لحقوق الطفل
States parties to the convention	الدّول الأطراف في الاتفاقية
The UN Committee on the Rights of the Children	لجنة الأمم المتحدة المعنية بحقوق الطفل
irrefutable legal presumption	افتراض قانوني لا يمكن دحضه
natural maturity	النضج الطبيعي
special protective measures	تدابير حماية خاصة
criminal behaviour	السلوك الإجرامي
harmful environment	البيئة الضارة أو المضرّة
juvenile court	محكمة أحداث
experts	الخبراء