

INTRODUCTION

'The European Union has set itself the objective of developing an area of freedom, security and justice. This presupposes that there is an understanding of freedom, security and justice on the part of the Member States which is identical in its essential elements and based on the principles of freedom, respect for human rights and fundamental freedoms, as well as the rule of law.

The aim of police and judicial cooperation in the European Union is to provide a high degree of security for all citizens. One of the cornerstones for this is the principle of mutual recognition of judicial decisions[...].'

*(Council Framework Decision 2008/947/JHA of 27 November 2008
on the application of the principle of mutual recognition to judgments
and probation decisions with a view to the supervision of
probation measures and alternative sanctions)*

The objective of 'developing an area of freedom, security and justice' is a core objective stated in the opening words of all or most European Directives, Regulations and Framework Decisions in the field of judicial cooperation. 'Mutual recognition', based on 'mutual trust' and 'mutual confidence' are other key concepts commonly used in the European texts. The topic of the seminar and of the present handbook invites the audience to find 'a comprehensive European approach'. Such objectives can only be attained and such an approach can only be found by means of cooperation, i.e. by means of speaking one language which everybody understands. The English language, as the European working language of judicial cooperation, is an important tool in this process. It is therefore essential for the members of the judicial systems involved and participating in such cooperation to be able to use this tool effectively. And this proves to be easy and difficult at the same time.

Participants in judicial cooperation should have in mind two important aspects when using English as a tool for judicial cooperation. Firstly, English legal (including criminal) terminology is not always (easily) translatable into other European languages, given the particularities of the common law system, whose distinct features, concepts, and institutions are not to be found in any other European system. This is also the case of translations of legal concepts from any European language into English. Secondly, legal English is different from general English in a number of ways, which will be briefly shown below.

As far as the first aspect is concerned, i.e. the differences between the common law system and the different European systems, translations of legal terms and phrases from and into English can be problematic. When it comes to English concepts or terms which are not translatable into other European languages, an English law dictionary is a good solution, since it explains what that particular word or concept stands for. Difficulties arise when one wants to use terms corresponding to concepts or institutions that are not to be found in the English system. Most speakers' quick solution is, in that situation, to 'adapt' words from their vernacular language to English. The situation is sometimes the same when there are equivalent institutions or concepts in the English system, but the speakers' tendency is still to adjust words from their vernacular languages, which appear to be similar to particular words in English; the English terms, however, have other meanings.

The problem with such misusages of English terms is not only the improper use of English, but also the risk of adversely affecting communication, and hence cooperation, since not all European languages share the similarities with the exact same words in English. For example, the term 'magistrate', used by some speakers to designate a 'member of the judiciary' (typically a judge or a prosecutor in some systems – e.g. Romania, Bulgaria, France, Italy), can be understood differently by speakers from different European states (e.g. in Spain as a senior judge, in Poland as a local authority or the city hall, in Germany as an archaic way of referring to a teacher, etc.) while in English it stands for a minor judicial officer acting as a judge in a magistrates' court, without legal qualification and sometimes doing unpaid work. Other examples include terms like 'prescription' (used by some speakers to refer to the statute of limitations or limitation period, while in English it refers to medical prescription, this being its common understanding by other European natives, who do not happen to have this 'false friend' at all), 'sentence' (which in English is only used in criminal cases, as opposed to languages like Italian, Spanish or Romania, where

this term is also used in civil cases), ‘instance’ (which can be used by some speakers to refer to a court in general, whereas in English the meaning is ‘an occurrence of something’), ‘process’, etc.

The second important aspect mentioned above is the difference between legal English and general English. The most relevant characteristics of legal English will be briefly outlined below.

Firstly, legal English presupposed the use of technical (legal) terms, which are only employed in legal contexts (‘probation’, ‘defendant’, ‘hearing’, ‘respondent’, ‘judgment’, ‘extradition’, ‘appellate’, etc.), and semi-technical terms, which have a specific meaning in legal contexts, different from the one they have in general English (‘action’, ‘serve a document’, ‘procedure’, ‘sanction’). Many of these terms are illustrated and suggested for practice in the exercises below (terms strictly relating to criminal law and procedure, court language, the legal profession, criminal proceedings). Terms are not usually abbreviated, with the exception of a few acknowledged acronyms (Q.C. – Queen’s Counsel, EAW – European Arrest Warrant, ECRIS – European Criminal Records Information System).

Secondly, the vocabulary is characterized by formality. Thus, complex prepositions (‘in the event of’, ‘having regard to’), formal expressions (‘in accordance with’, ‘pursuant to’), compound prepositions and adverbs (‘hereby’, ‘herein’, ‘hereinafter’, ‘thereafter’, ‘therein’, ‘thereof’, etc.), as well as words belonging to a higher register (‘expedite’ instead of ‘speed up’, ‘deem’ instead of ‘considered’) are common in legal texts.

Thirdly, formality is also a feature of the morphological and syntactic structures. The most common grammatical structures used in legal language (both in the UK and in the EU) include certain modal verbs (notably ‘shall’, ‘may’, ‘should’, and more rarely, but still in very formal contexts, ‘can’ and ‘must’), passive structures, which place the emphasis on the result rather than the agent, formal connectors (‘provided that’), as well as long and complex sentences, which are rarely to be found in general English.

The present handbook is therefore designed to point out the problematic aspects of legal English in general, and criminal terminology in particular. All the aspects mentioned above are illustrated by the exercises below, which provide a variety of means of making speakers aware of the correct use of the legal vocabulary and of the typical grammatical structures of legal English. The different designs of the exercises have the objective of improving a particular aspect or developing a particular skill. The ‘matching’, ‘multiple choice’, ‘word formation’, ‘gap fill’ and ‘reading’ exercises are aimed at enriching the speakers’ vocabulary or at activating the passive

vocabulary. Exercises dealing with particles, modal verbs or other grammatical structures are designed to improve the speakers' fluency in English. Other exercises are meant to help speakers use their language skills (including the new terms and structures acquired) in situational (work related) contexts. For purposes of effectiveness of the exercises, a key is provided at the end of the manual.

PART I. GENERAL CRIMINAL TERMINOLOGY.

I. Complete the phrases below by matching the words in the two columns. Explain, in your own words, what these phrases mean.

- | | |
|-----------------|------------------|
| 1. community | a. of innocence |
| 2. conditional | b. officer |
| 3. arrest | c. bargaining |
| 4. burden | d. release |
| 5. rebut | e. proceedings |
| 6. probation | f. doubt |
| 7. plea | g. warrant |
| 8. reasonable | h. officer |
| 9. legal | i. service |
| 10. probation | j. of proof |
| 11. presumption | k. aid |
| 12. criminal | l. a presumption |

II. Complete the table below with words deriving from the ones given.

Verb	Noun
rule	
	trial
decide	
	release
judge	
	service
deprive	

III. Choose the correct answer:

1. The Regulation comes into on January, 1.
 a. practice b. force c. power d. date
2. The people involved in the violent demonstration made at the police.
 a. an argument b. an assertion c. a statement d. a claim
3. Although the prosecutor was sure he was guilty, he could not anything against him.
 a. charge b. accuse c. prove d. prosecute
4. The offender has to the imprisonment sentence.
 a. execute b. serve c. enforce d. carry out
5. He is waiting for his legal counsel to give him
 a. a good advice b. some good advice c. some advices d. some advises
6. At the end of the trial he was of theft.
 a. sentenced b. judged c. condemned d. convicted
7. The high court judge will pass next Monday.
 a. verdict b. justice c. punishment d. sentence
8. He was found guilty blackmail.
 a. of b. with c. for d. by

9. The sentenced the defendant to imprisonment.
 a. counsel b. jury c. judge d. barrister
10. The crime he was suspected of was trafficking human beings.
 a. of b. in c. with d. for
11. The defendant to speak in the absence of his lawyer.
 a. denied b. rejected c. resisted d. refused
12. He was granted legal aid, since he couldn't pay legal assistance and advice.
 a. for b. to c. Ø d. in
13. The head of the department was charged embezzlement, but he still claims he is innocent.
 a. of b. for c. with d. in
14. The judicial decision must be without delay.
 a. forced b. enforced c. executed d. implemented
15. His income did not allow him to pay the lawyer's fees.
 a. for b. Ø c. to d. in
16. Since the police didn't have enough against him, the suspect had to be released.
 a. proof b. proves c. evidences d. evidence

IV. Complete the table below with the required forms, deriving from the words given.

Verb	Noun	Adjective
accuse		
deprive		
sentence		
presume		
appeal		
allege		

V. Match the following terms with their corresponding definitions.

- | | | |
|--------------|-----------------|-----------------|
| a. arson | h. manslaughter | o. embezzlement |
| b. libel | i. extortion | p. slander |
| c. burglary | j. assault | q. piracy |
| d. bribery | k. blackmail | r. forgery |
| e. murder | l. theft | s. robbery |
| f. smuggling | m. racketeering | |
| g. perjury | n. hijacking | |

1. the act of unlawfully taking and keeping a good that belong to another person
2. the unauthorised use and reproduction of another persons' copyrighted or patented material
3. the crime of killing a human being intentionally
4. the act of defaming a person in writing or by other representational means
5. the act of taking goods belonging to another person by using force, threats, or violence
6. the fraudulent appropriation of money entrusted by a company or organisation
7. the act of unlawfully attacking another person, causing physical harm
8. the act of engaging in illegal activities for profit
9. the act of intentionally setting fire to a property
10. the act of illegally taking goods or people into or out of a country for profit
11. the defamation of a person by means of oral statements
12. the act of killing a human being without malice aforethought
13. the act of entering a building with the intention of committing theft
14. the act of making, adapting or imitating objects or documents for a deceitful or fraudulent purpose
15. the act of threatening to disclose discreditable information about a person in an attempt to obtain money
16. the act of seizing, diverting or appropriating a vehicle
17. the act of giving or accepting money or other favours in exchange of obtaining an advantage

18. the crime of obtaining money or other advantages by abusing one's position or authority

19. the crime of wilfully giving false testimony while under oath

VI. Confusing pairs. Provide one word for each pair that illustrates the main difference between the terms in the pair.

1. kidnapping – abduction

2. murder – assassination

3. forgery – counterfeit

4. theft – robbery

5. theft – burglary

VII. Complete the table below with the required forms. For each verb, provide two nouns – one for the action or event, and one for the person. Then use words from the table to fill in the gaps in the sentences below.

Verb	Noun action/event	Noun person
convict		
detain		
suspect		
appeal		
defend		
hear		
offend		
prosecute		
try		
apply		
judge		

1. At the end of the proceedings, the was found guilty of trafficking in human beings.
2. Since there was no realistic prospect of, the case was dropped.
3. The is expected to pass sentence.
4. He was apprehended by the police on that he had committed the of smuggling persons into the country.
5. Since he thought his procedural rights had not been observed, he filed a(n)
6. The claimed that he was treated inhumanely by the prison officers.
7. The decision was not to the case, since the evidence was not sufficient.
8. The was sentenced to community service.
9. He decided to challenge the first instance decision, because he was in absentia.
10. The claimed that he had the right to remain silent.
11. The was not of much help, since the accused refused to speak in the absence of a lawyer.
12. The accused requested to be assisted by a lawyer who could help him prepare his
13. A person is presumed to be innocent until he/she is proved guilty at the end of the
14. Since he was suspected of having committed a serious offence, he was apprehended by the police and in custody.

VIII. Provide synonyms or explanations for the terms below. Check whether you have ‘false friends’ of those terms in your vernacular language, i.e. words that look or sound similar, but whose meaning is completely different from the English term they suggest. If yes, what is the real meaning of those terms in English?

1. sentence
2. magistrate
3. accusation

- 4. to execute
- 5. prescription
- 6. process

IX. While reading the text below, choose the right words or phrases to fill in the blank spaces.

Judicial accountability and independence

<https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/jud-acc-ind/>

We are all familiar with media reports of a government minister who is forced to resign or (1) for behaviour which is or is perceived to be inappropriate or for incompetence in the (2) of his or her duties. There are also many press headlines which (3) a judge or magistrate, for example for handing down a “soft” sentence, but there are almost none which announce that the judge in question has resigned or has been dismissed as a result of that criticism. Many may wonder why steps are not taken to dismiss such judges or to force them to resign. Why is it that judges and magistrates appear to be (4) in the face of such criticism? Why is it that the way they are treated appears to be different to the treatment of many others, from government ministers and public officials, to the directors and employees of companies?

- | | | | |
|----------------------|------------------|------------------|------------------|
| (1) a. expelled | b. fired | c. dismissed | d. banned |
| (2) a. realisation | b. execution | c. serving | d. performance |
| (3) a. sentence | b. condemn | c. convict | d. punish |
| (4) a. irresponsible | b. unresponsible | c. inaccountable | d. unaccountable |

The truth is that the judiciary is accountable, but in a different manner. The reason for this difference is a fundamental feature of our constitution going to the very heart of our democracy.

The difference stems from the need to ensure that judges are impartial and independent of central and local government and from pressures from the media, companies, and pressure groups while (5) their judicial functions. That need is also reflected in the constitutions of all democratic countries.

- (5) a. doing b. making c. executing d. exercising

The extent to which the judiciary in England and Wales are accountable, how they are accountable, and why there is a need for judges to be completely independent from Government and other powerful groups, are difficult questions.

With some 35,000 men and women holding (6) office in England and Wales, the answers to these questions have a significant impact on our daily lives. They may affect the confidence people have in the ability of judges to (7) the rule of law. It is a complex area, but we hope that an understanding of some of the issues involved will help to put into perspective the way in which the courts deliver justice.

- (6) a. juridical b. judicial c. judiciary d. legal

- (7) a. maintain b. uphold c. preserve d. keep

Independence

Independence from whom and what?

It is vitally important in a democracy that individual judges and the judiciary as a whole are impartial and independent of all external pressures and of each other so that those who appear (8) them and the wider public can have confidence that their cases will be decided fairly and in accordance with the law. When carrying out their judicial function they must be free of any improper influence. Such influence could come from any number of sources. It could arise from improper pressure by the executive or the legislature, by individual litigants, particular pressure groups, the media, self-interest or other judges, in particular more senior judges.

- (8) a. to b. at c. before d. in front of

Why is independence important?

It is vital that each judge is able to decide cases solely on the (9) presented in court by the parties and in accordance with the law. Only relevant facts and law should form the basis of a judge's decision.

- (9) a. evidence b. evidences c. proof d. proves

The responsibilities of judges in (10) between the citizen and the state have increased together with the growth in governmental functions over the last century. The responsibility of the judiciary to protect citizens against unlawful acts of government has thus increased, and with it the need for the judiciary to be independent of government.

- (10) a. processes b. challenges c. arguments d. disputes

As well as in fact being independent in this way, it is of vital importance that judges are seen to be both independent and impartial.

The ways in which independence is protected and its limits

Whilst an independent and impartial judiciary is one of the cornerstones of a democracy, the practical ways in which this is given (11) are often treated with suspicion. For example, judges are given immunity from (12) for any acts they carry out in performance of their judicial function. They also benefit from immunity from being sued for defamation for the things they say about parties or witnesses in the course of (13) cases. These principles have led some people to suggest that Judges are somehow ‘above the law’.

- (11) a. action b. prominence c. execution d. effect
(12) a. persecution b. prosecution c. sentencing d. punishment
(13) a. seeing b. hearing c. listening d. judging

However, it is not right to say that Judges are above the law. Judges are subject to the law in the same way as any other citizen. The Lord Chief Justice or Lord Chancellor may (14) a judge to the Judicial Complaints Investigations Office in order to establish whether it would be appropriate to remove them from office in circumstances where they have been found to have committed a criminal offence.

- (14) a. send b. defer c. refer d. submit

Judicial independence does, however, mean that judges must be free to exercise their judicial powers without interference from (15), the State, the media or powerful individuals or entities, such as large companies. This is an important principle because judges often decide matters between the citizen and the state and between citizens and powerful entities. For example, it is clearly inappropriate for the judge in charge of a criminal trial against an individual citizen to be influenced by the state. It would be unacceptable for the judge to come under pressure

to admit or not admit certain evidence, how to direct the jury, or to (16) a particular sentence. Decisions must be made on the basis of the facts of the case and the law alone.

- (15) a. litigants b. defendants c. appellants d. appellees
(16) a. give b. present c. pass d. submit

Judicial independence is important whether the judge is dealing with a civil or a criminal case. Individuals involved in any kind of case before the (17) need to be sure that the judge dealing with their case cannot be influenced by an outside party or by the judge's own personal interests, such as a fear of being sued for defamation by litigants about whom the judge is required in the course of proceedings or judgment to make adverse comment. This requirement that judges be free from any improper influence also underpins the duty placed on them to declare personal interests in any case before it starts, to ensure that there is neither any bias or partiality, or any appearance of such.

- (17) a. tribunals b. courts c. instances d. hearings

A practical example of the importance of judicial independence is where a high profile matter, which has generated a great deal of media interest comes before the court. Such matters range from the criminal trial of a person accused of a shocking murder, the divorce of celebrities, and challenges to the (18) of government policy, for example the availability of a new and expensive drug to NHS patients. In the 24 hour media age in which we live, it stands to reason that the judge hearing the case will often be under intense scrutiny, with decisions open to intense debate. It is right that this is so. But it is important that decisions in the courts are made in accordance with the law and are not influenced by such external factors. It is also important however to observe one or two points which will have an impact on the outcome of the (19) and our understanding of it:

- (18) a. correctness b. legality c. adequacy d. appropriateness
(19) a. process b. procedure c. dispute d. trial

1. In a Crown Court criminal trial in England and Wales:
 - o The judge does not decide guilt or innocence. That decision is made by the jury, which is made up of resident citizens and registered electors selected at random.
 - o If the jury decides that the defendant is guilty, it is then the task of the judge to pass sentence. In doing so the judge will have to take into account the

sentencing scheme which has been (20) in legislation by Parliament, and the various sentencing guidelines which have been agreed and published by the Sentencing Guidelines Council. The Guidelines and the decisions of the Court of Appeal (Criminal Division) set out key considerations which must be taken into account by the judge when determining any sentence and provide a framework of appropriate sentences for the judge to apply. The judge is (21) to depart from the guidelines or a decision of the Court of Appeal (Criminal Division) only when the interests of justice require such a departure.

○ Any sentence that is unduly harsh or in the case of more serious offences is unduly (22) may be corrected by the Court of Appeal, on an appeal by the (23) person or a reference to the Court of Appeal by the Attorney General.

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|-------------------|--------------|---------------|--------------|
| (20) a. acted | b. enacted | c. given | d. presented |
| (21) a. correct | b. right | c. awarded | d. entitled |
| (22) a. nice | b. kind | c. convenient | d. lenient |
| (23) a. condemned | b. convicted | c. punished | d. penalised |

2. In civil cases any errors by the trial judge may also be corrected by the Court of Appeal and

3. In cases raising important points of law, the decisions of the Court of Appeal may be appealed to the Supreme Court

4. It is important to recognise that, in both civil and criminal cases, what we read in the papers and see on the news will often only cover a fraction of what has been heard in court. This is not a criticism of journalists. They only have a certain amount of space or time to cover a particular story. It is worth bearing in mind that, for instance, in a criminal case there are often many (24) or aggravating circumstances surrounding the offence and the offender. These will have had a direct bearing on the sentence handed (25) and are often difficult for the media to report in full. A good example of this is where a defendant pleads guilty to a crime. In such circumstances Parliament has directed that judges must significantly reduce the sentence.

- | | | | |
|-------------------|--------------|---------------|--------------|
| (24) a. softening | b. weakening | c. mitigating | d. lessening |
| (25) a. down | b. in | c. up | d. for |

The purpose of the above examples is not to suggest that judges never get it wrong, or that in criminal cases they have no say in the sentence handed down, but to give an idea of the factors they must consider when making decisions.

***PART TWO. THE VOCABULARY OF JUDICIAL COOPERATION
IN CRIMINAL MATTERS.
SOCIAL REINTEGRATION OF SENTENCED PERSONS:
A COMPREHENSIVE EUROPEAN APPROACH***

I. Fill in the gaps with near-synonyms of the words in brackets.

1. The experience (collected) from these activities has encouraged the Member States to further (intensify) their efforts and showed the importance to (carry on) streamlining the (reciprocal) exchange of information on convictions between the Member States.

2. Any (modification) or (erasure) of information transmitted in accordance with Article 4(3) shall (involve) identical (modification) or (erasure) by the Member State of the person's nationality regarding information stored in accordance with paragraph 1 of this Article for the purpose of retransmission in accordance with Article 7.

3. Member States shall take the necessary measures to (arrange) that personal data received from another Member State under Article 4, if transmitted to a third country (according to) Article 7(3), is subject to the same usage (restrictions) as those applicable in a requesting Member State.

4. For the purposes of this Framework Decision, Member States shall (relinquish) the right to rely among themselves on their (doubts) to Article 13 of the European Convention on Mutual Assistance in Criminal Matters.

5. In order to (speed up) the development of ECRIS, the Commission should adopt a number of technical measures to (help) Member States in preparing the technical infrastructure for interconnecting their criminal records databases.

6. The common communication infrastructure shall be the S-TESTA communications network. Any (additional) developments thereof or any alternative (safe) network shall ensure that the common communication infrastructure in place continues to meet the conditions set out in paragraph 6.

7. Each Member State shall (inform) the General Secretariat of the Council, when implementing this Framework Decision, which probation measures and alternative sanctions, apart from those referred to in paragraph 1, it is prepared to supervise.

8. The adapted probation measure, alternative sanction or probation period shall not be more (harsh) or longer than the probation measure, alternative sanction or probation period which was (initially) imposed.

9. When, in application of this Article, jurisdiction is transferred back to the issuing State, the competent authority of that State shall (restart, reassume) jurisdiction.

10. Relations between Member States, which are characterized by special mutual (trust) in other Member States' legal systems, (facilitate) recognition by the executing State of decisions taken by the issuing State's authorities.

11. If the transfer of the sentenced person within the period laid down in paragraph 1 is (hampered) by (unexpected) circumstances, the competent authorities of the issuing and executing States shall immediately contact each other.

12. Transfer shall take place as soon as these circumstances (stop) to exist.

13. Under that Convention, sentenced persons may be transferred to serve the (rest) of their sentence only to their State of nationality and only with their consent and that of the States involved.

14. The Council adopted a programme of measures to implement the principle of mutual recognition of decisions in criminal matters in which it called for a(n) (evaluation) of

the need for modern mechanisms for the mutual recognition of final sentences involving deprivation of liberty.

II. Supply the negative forms of the words in italics by adding negative prefixes. Then use these negative forms in sentences of your own.

1. The present Framework Decision provides for a more *effective* instrument because it is based on the principle of mutual recognition and all Member States participate.

2. In view of the principle of mutual recognition, on which this Framework Decision is based, issuing and executing Member States should promote *direct* contact between their *competent* authorities in the application of this Framework Decision.

3. This Framework Decision shall not have the effect of modifying the obligation to *respect* fundamental rights and fundamental *legal* principles as enshrined in Article 6 of the Treaty on European Union.

4. The competent authority of the issuing State may forward a judgment and, where *applicable*, a probation decision to the competent authority of the Member State in which the sentenced person is *lawfully* and ordinarily residing, in cases where the sentenced person has returned or wants to return to that State.

5. The competent authority of the executing Member State may postpone the decision on recognition of the judgment until the *reasonable* deadline set for the certificate to be completed or corrected.

6. The competent authority of the executing State shall immediately notify of any finding which is *likely* to result in the imposition of a custodial sentence or measure involving deprivation of liberty.

7. There is a need for more *efficient* and *accessible* procedures of exchange of such information at European Union level.

8. Member States may also provide *available* information relating to the level of completion and the level of participation in the offence and, where applicable, to the *existence* of total or partial exemption from criminal responsibility or to recidivism.

9. The representatives of the *relevant* departments of the administrations of the Member States and the Commission shall inform and consult one another within the Council.

10. This Framework Decision should be implemented and applied in a manner which allows general principles of *equality, fairness* and *reasonableness* to be respected.

11. The executing State should consider the *possibility* of adapting the sentence in accordance with this Framework Decision.

12. The issuing State may *agree* to the application of such provisions or it may withdraw the certificate.

III. Fill in the gaps with words deriving from the ones in brackets, using the clues given.

1. This Framework Decision is to replace the (provide, noun, pl.) of Article 56 of the European Convention of 28 May 1970 on the International (valid, noun) of Criminal Judgments, concerning the taking into (consider, noun) of criminal judgments, as between the Member States parties to that Convention.

2. The following offences, if they are (punish, adj.) in the issuing State by a (custody, adj.) sentence or a measure involving (deprive, noun) of liberty for a maximum period of at least three years, and as they are defined by the law of the issuing State, under the terms of this Framework Decision and without (verify, noun) of the double (crime, abstract noun) of the act, give rise to recognition of the judgment and, where (apply, adj.), the probation decision and to (supervise, noun) of probation and alternative sanctions.

3. The competent (authorize, noun) of the executing State shall decide as soon as possible, and within 60 days of (receive, noun) of the judgment and, where applicable, the probation decision, whether or not to recognize the judgment, and, where applicable, the probation decision and assume (responsible, noun) for supervising the probation measures or alternative sanctions.

4. The subsequent decisions relating to a suspended sentence include:

(a) the (modify, noun) of obligations or (instruct, noun, pl.) contained in the probation measure or alternative sanction;

(b) the (revoke, noun) of the (suspend, noun) of the execution of the judgment; and

(c) the (impose, noun) of a custodial sentence or measure involving deprivation of liberty in case of an alternative sanction or (condition, adj.) sentence.

5. The competent authority of the executing State shall without delay inform the competent authority of the issuing State, by any means which leaves a written record of the (transmit, noun) of the judgment and, where applicable, the probation decision, together with the (certify, noun) referred to in Article 6(1).

6. (enforce, noun) of a sentence in the executing State should enhance the (possible, noun) of social (rehabilitate, noun) of the sentenced person.

7. Where in this Framework Decision (refer, noun) is made to the State in which the sentenced person ‘lives’, this indicates the place to which that person is attached based on (habit, adj.) residence and on elements such as family, social or (profession, adj.) ties.

8. The (apply, noun) of the mechanisms established by this Framework Decision only to the transmission of information extracted from (crime, adj.) records concerning natural persons should be without prejudice to a possible future (broad, vb., gerund) of the scope of (apply, noun) of such mechanisms to the exchange of information concerning (law, adj.) persons.

9. When information extracted from the criminal record is requested under Article 6 from the (centre, adj.) authority of a Member State other than the Member State of the person’s (nation, abstract noun), the requested Member State shall transmit information on (convict, noun, pl.) handed down in the requested Member State and on (convict, noun, pl.) handed down against third country (nation, noun for person, pl.) and against (state, adj., neg.) persons contained in its criminal record.

10. Member States and the Commission should inform and consult one another within the Council in accordance with the modalities of (identify, noun) of offenders, common understanding of the categories of offences and penalties and measures, and (explain, noun) of (problem, adj.) national offences and penalties and measures, and ensuring the (coordinate, noun) necessary for the (develop, noun) and (operate, noun) of ECRIS.

IV. Fill in the gaps with antonyms of the words in brackets.

1. This Decision (violates) fundamental rights and (infringes) the principles recognized in particular by Article 6 of the Treaty on European Union and reflected by the Charter of Fundamental Rights of the European Union.

2. For the purposes of this Framework Decision, ‘conviction’ means any (initial) decision of a criminal court establishing (innocence) of a criminal offence.

3. The (inclusion) of a possibility to review a (subsequent) conviction should not (facilitate) a Member State from issuing a decision.

4. Each Member State may, at the time of adoption of this Framework Decision or at a (earlier) stage, declare that as an executing State it will (accept) to assume the responsibility provided for in paragraphs 1(b) and (c) in cases or categories of cases to be specified by that Member State.

5. The competent authority of the executing State shall have jurisdiction to take all (prior) decisions relating to a suspended sentence, conditional release, conditional sentence and alternative sanction, in particular in case of non-compliance with a probation measure or alternative sanction or if the sentenced person commits a (old) criminal offence.

6. The adapted sentence shall not be (more) than the (minimum) penalty provided for (similar) offences under the law of the executing State.

7. The adapted sentence shall not (alleviate) the sentence passed in the issuing State in terms of its nature or duration.

8. Any Member State may, on adoption of this Framework Decision or later, state in a declaration deposited with the General Secretariat of the Council that it will (refuse) a translation in one or more other official languages of the Institutions of the European Union.

V. Insert the appropriate particles. Some of the particles given in the table below may occur more than once.

after, at, between, by, for, from, in, into, on, through, to, under, with, within

1. The principle that the Member States should attach a conviction handed down other Member States effects equivalent a conviction handed down their own courts in accordance national law should be affirmed, whether those effects be regarded by national law as matters of fact or of procedural or substantive law.

2. Interference a judgment and its execution covers, *inter alia*, situations where, according the national law of the second Member State, the sanction imposed a previous judgment is to be absorbed or included another sanction, which is then to be effectively executed, the extent that the first sentence has not already been executed or its execution has not been transferred the second Member State.

3. This objective presupposes the exchange the competent authorities of the Member States of information extracted criminal records.

4. This Framework Decision contributes achieving the goals provided by measure 3 of the programme, which calls the establishment of a standard form like that drawn up for the Schengen bodies, translated all the official languages of the Union, criminal records requests.

5. The main aim of this Framework Decision is to improve the exchange of information convictions and, where imposed and entered the criminal records of the convicting Member State, disqualifications arising criminal conviction of citizens of the Union.

6. Notwithstanding the need to provide the sentenced person adequate safeguards, his or her involvement the proceedings should no longer be dominant by requiring in all cases his or her consent the forwarding of a judgment another Member State the purpose of its recognition and enforcement of the sentence imposed.

7. The Council may decide to add other categories of offences the list provided for in paragraph 1 any time, acting unanimously consultation of the European Parliament the conditions laid down Article 39(1) of the Treaty European Union.

8. Any decision under paragraph 1(k) in relation offences committed partly the territory of the executing State, or a place equivalent to its territory, shall be taken by the competent authority of the executing State only exceptional circumstances and a case-by-case basis, having regard the specific circumstances of the case, and particular to whether a major or essential part of the conduct question has taken place in the issuing State.

9. For the further supervision of the probation measures or alternative sanctions, the competent authority of the issuing State shall take account the duration and degree of compliance the probation measures or alternative sanctions the executing State, as well as of any decisions taken the executing State in accordance with Article 16(1).

10. A pilot project is currently being developed with a view interconnecting criminal records. Its achievements constitute a basis further work computerized exchange of information European Union level.

11. The categories of data to be entered the system, the purposes which the data is to be entered, the criteria its entry, the authorities permitted to access the data, and some specific rules protection of personal data are defined the Framework Decision 2009/315/JHA.

12. By way exception, where the penalty or measure does not correspond any specific sub-category, the ‘open category’ code of the relevant or closest category of penalties and measures or, in the absence the latter, an ‘other penalties and measures’ code, shall be used that particular penalty or measure.

13. The fact that, in addition the sentence, a fine and/or a confiscation order has been imposed, which has not yet been paid, recovered or enforced, shall not prevent a judgment being forwarded.

14. The Member State requested to permit transit may hold the sentenced person custody only such time as transit its territory requires.

VI. Fill in the gaps with the suitable modal verbs in the affirmative or negative.

1. If the national court in the new criminal proceedings [...] is of the opinion that imposing a certain level of sentence within the limits of national law would be disproportionately harsh on the offender, considering his or her circumstances, and if the purpose of the punishment be achieved by a lower sentence, it reduce the level of sentence accordingly, if doing so would have been possible in purely domestic cases.

2. This Framework Decision respects the principle of subsidiarity, insofar as it aims to approximate the laws and regulations of the Member States, which be done adequately by the Member States acting unilaterally and requires concerted action in the European Union.

3. A court in one Member State be able to take account of final judgments rendered by the courts in other Member States for the purposes of assessing the offender's criminal record and establishing whether he has reoffended, and to determine the type of sentence applicable and the arrangements for enforcing it.

4. A Member State refuse to recognize a judgment and, where applicable, a probation decision, if the judgment concerned was issued against a person who has not been found guilty, such as in the case of a mentally ill person, and the judgment or, where applicable, the probation decision provides for medical/therapeutic treatment which the executing State supervise in respect of such persons under its national law.

5. No provision of this Framework Decision be interpreted as prohibiting refusal to recognize a judgment and/or supervise a probation measure or alternative sanction if there are objective reasons to believe that the probation measure or alternative sanction was imposed to punish a person because of his or her sex, race, religion, ethnic origin, nationality, language, political opinions or sexual orientation or that this person be disadvantaged for one of these reasons.

6. If, under the national law of the issuing State, the sentenced person be given a judicial hearing before a decision is taken on the imposition of a sentence, this requirement be met by following *mutatis mutandis* the procedure contained in instruments of international or European Union law that provide the possibility of using video links for hearing persons.

7. The accuracy of the codes mentioned be fully guaranteed by the Member State supplying the information and it preclude the competent authorities in the receiving Member State from interpreting the information.

8. Execution of a judgment be refused on the ground that the law of the executing State does not impose the same kind of tax or duty or does not contain the same type of rules as regards taxes, duties and customs.

VII. Turn the following sentences into the passive voice.

1. A judicial authority should take all subsequent decisions related to a suspended sentence, a conditional sentence or an alternative sanction which result in the imposition of a custodial sentence or measure involving deprivation of liberty.

2. If a competent authority other than a court takes a decision under Article 14(1) (b) or (c), the Member States shall ensure that, upon request of the person concerned, a court or another independent court-like body may review such decision.

3. The competent authority of the issuing state shall sign the certificate referred to in paragraph 1 and certify its content as accurate.

4. The general budget of the European Union should cover all expenditure concerning the common communication infrastructure.

5. Not all Member States have ratified the Additional Protocol to that Convention, which allows transfer without the person's consent, subject to certain conditions.

6. The competent authority of the issuing State shall forward the judgment and, where applicable, the probation decision, directly to the competent authority of the executing State.

7. The competent authority of the executing State may refuse to recognise the judgment and enforce the sentence if at the time the competent authority of the executing State received the judgment less than six months of the sentence remain to be served.

8. The issuing State and also the executing State may grant an amnesty or pardon.

VIII. Choose the appropriate connectors.

1. the probation measures or alternative sanctions include community service, then the executing State should be entitled to refuse to recognise the judgment and, where applicable, the probation decision.

- a. unless b. if c. even if d. only if

2. the probation measure, the alternative sanction or the probation period has been adapted because its duration exceeds the maximum duration provided for under the law of the executing State, the duration of the adapted probation measure, alternative sanction or probation period shall not be below the maximum duration provided for equivalent offences under the law of the executing State.

- a. where b. whereof c. whereto d. whether

3. Only the issuing State may decide on applications for review of the judgment forms the basis for the probation measures or alternative sanctions to be supervised under this Framework Decision.

- a. who b. which c. what d. whom

4. The competent authority of the issuing state may, upon request of the sentenced person, forward the judgment and, where applicable, the probation decision to a competent authority of a Member State other than the Member State in which the sentenced person is lawfully and ordinarily residing, this latter authority has consented to such forwarding.

- a. although b. even though c. conditioned that d. on condition that

5. The form of the certificate is drafted in such a way essential elements of the judgment and, where applicable, of the probation decision are comprised in the certificate.

- a. as to b. as that c. so to d. so that

6. Member States may designate non-judicial authorities as the competent authorities for taking decisions under this Framework Decision, such authorities have competence for taking decisions of a similar nature under their national law and procedures.

a. provided that b. providing that c. provided for d. providing for

7., in application of this Article, jurisdiction is transferred back to the issuing State, the competent authority of that State shall resume jurisdiction.

- a. when b. since c.. for d. because

8. Member States may conclude bilateral or multilateral agreements or arrangements after 6 December 2008, such agreements and arrangements allow the provisions of this Framework Decision to be extended or enlarged and help to simplify or facilitate further the procedures for the supervision of probation measures and alternative sanctions.

- a. in order as b. in order to c. so far as d. insofar as

9. During such consultation, the competent authority of the executing State may present the competent authority of the issuing State with a reasoned opinion, enforcement of the sentence in the executing State would not serve the purpose of facilitating the social rehabilitation and successful reintegration of the sentenced person into society.

- a. which b. that c. so that d. so as

10. In cases where the sentenced person could be transferred to a Member State and to a third country under national law or international instruments, the competent authorities of the issuing and executing States should, in consultations, consider enforcement in the executing State would enhance the aim of social rehabilitation better than enforcement in a third country.

- a. unless b. where c. whether d. when

11. Member States may provide that any decision on early or conditional release may take account of those provisions of national law, indicated by the issuing State, the person is entitled to early or conditional release at a specified point in time.

- a. under that b. that c. under which d. which

12. the enforcement of the sentence in the executing State has not begun, the issuing State may withdraw the certificate from that State, giving reasons for doing so.

- a. as long as b. as long c. when d. whenever

13. The competent authority of the executing State may refuse to recognise the judgment and enforce the sentence if the judgment was rendered *in absentia*, the certificate states that the person was summoned personally or informed via a representative competent according to the national law of the issuing State of the time and place of the proceedings which resulted in the judgment being rendered *in absentia*, or that the person has indicated to a competent authority that he or she does not contest the case.

- a. if b. even if c. unless d. although

14. Subject to paragraph 2, the issuing State shall not proceed with the enforcement of the sentence its enforcement in the executing State has begun.

- a. as soon as b. once c. unless d. when

15. The competent authority of the issuing State shall forthwith inform the competent authority of the executing State of any decision or measure the sentence ceases to be enforceable immediately or within a certain period of time.

- a. for which b. as a result of which c. where d. as to

16. Paragraph 1 (A person transferred to the executing State shall not be prosecuted, sentenced or otherwise deprived of his or her liberty for an offence committed before his or her transfer other than that for which he or she was transferred.) shall not apply when the sentenced person could be liable to a penalty or a measure not involving deprivation of liberty, in particular a financial penalty or measure *in lieu* thereof, the penalty or measure in lieu may give rise to a restriction of his or her personal liberty.

- a. if b. unless c. only if d. even if

17. The competent authority of the executing State shall terminate enforcement of the sentence it is informed by the competent authority of the issuing State of the decision or measure referred to in paragraph 1.

- a. as soon as b. immediately that c. immediately as d. as soon that

18. This Framework Decision should not prevent Member States from taking into account, in accordance with their law and when they have information available, for example, final decisions of administrative authorities decisions can be appealed against in the criminal courts establishing guilt of a criminal offence or an act punishable under national law by virtue of being an infringement of the rules of law.

- a. which b. of which c. whose d. of whom

19. Some Member States attach effects to convictions handed down in other Member States, others take account only of convictions handed down by their own courts.

- a. where b. when c. whereas d. whereto

20. All Member States should ensure that sentenced persons, in respect of whom decisions under this Framework Decision are taken, are subject to a set of legal rights and remedies in accordance with their national law, the competent authorities designated to take decisions under this Framework Decision are of a judicial or non-judicial nature.

a. regardless b. regardless of whether c. regardless whether d. regardless if

21. ensure the mutual understanding and transparency of the common categorisation, each Member State should submit the list of national offences and penalties and measures falling in each category referred to in the respective table.

a. so to b. as to c. in order to d. for to

22. The ground for refusal relating to territoriality should be applied only in exceptional cases and with a view to cooperating to the greatest extent possible under the provisions of this Framework Decision, taking into account of the objectives thereof.

a. when b. then c. whereas d. while

23. The central authority of the Member State of the person's nationality shall, in respect of such convictions, inform the requesting Member State which other Member State has transmitted such information enable the requesting Member State to submit a request directly to the convicting Member State in order to receive information on these convictions.

a. so as to b. so to c. as to d. for to

24. the objective of this Decision is not to harmonise national systems of criminal records there is no obligation for a convicting Member State to change its internal system of criminal records as regards the use of information for domestic purposes.

a. since b. where c. whereas d. while

IX. Reading comprehension.

A. Before reading the text below, answer the following questions.

1. Are prisons overcrowded in your country? Explain why.
2. What are the prison conditions in your country?
3. Is the percentage of foreign detainees high? Explain why.

Experts reflect on spike in prison population

(www. swissinfo.ch)

Jan 26, 2010 - 21:36



The Swiss prison population stands at 80 detainees for every 100,000 residents.

(Keystone)

The recent rise in prisoner figures has cast light on the impact of penal reforms and regional variations in detention policy.

The number of inmates in Swiss prisons grew by five per cent last year to 6,084 - the second-highest level in a decade. This is particularly evident in French and Italian-speaking regions.

The overall growth has caused mixed reactions among observers.

"It's a startling increase," said Daniel Laubscher from the Federal Statistics Office, which published the figures last week.

The crime and penal law expert had rather expected a drop in prisoners following reforms to Swiss criminal law, which entered into force in 2007.

These controversial changes included abolishing jail terms of less than six months and introducing a system of so called day-fines calculated on a person's income. It also introduced communal work as a sanction for offenders.

The rise in inmates is also set against four years of successive falls in the overall number of reported crimes.

“Upwards trend”

But Martin Killias, a professor of criminology at Zurich University, said he was not surprised by the increase.

“It seems paradoxical, but the unsurprising, sad reality is that these reforms are likely to produce more prisoners than fewer,” he told swissinfo.ch.

“When judges cannot use short sentences they usually impose alternative sanctions, like day fines, but they may also feel such an approach is inappropriate for the crime and impose a heavier custodial sentence of just over six months.”

Swiss politicians are not eager to learn from the mistakes made by other countries, said Killias, pointing to Portugal, Spain, Greece and Cyprus, where similar penal reforms have led to an “explosion” in prisoner numbers.

“This upwards trend is likely to be with us in Switzerland for the next few years,” he added.

Another emerging concern is that over the next five years there will be an increasing use of day fines without suspended sentences, he said. This will lead to a serious problem as more people are sent to prison for not being able to pay their fines, as in Germany and Austria.

“This is not yet happening, but will increase dramatically over the next few years,” said the criminology professor.

Regional differences

The growth in the number of people serving prison sentences in Switzerland is particularly striking in French- and Italian-speaking regions.

According to the Federal Statistics Office, the number of detainees in this category rose by 20 per cent over the past decade from 746 to 1,115 in this part of the country, while the figures for central and eastern Switzerland dropped slightly.

“This underlines the bad trend among French-Swiss and Italian-Swiss justice systems to much more willingly lock people away,” said Nicolas Quéloz, professor of penal law and criminology at Fribourg University.

Federal statistics also show that cantons Fribourg, Geneva, Jura, Neuchâtel, Vaud, Valais and Ticino also resort more readily to pre-trial detention. This is partly due to the “more repressive culture” of judges from those regions, said Quéloz, but also because the percentage of foreign suspects is much higher than in other Swiss regions.

Foreign flight risks

Overall, almost three out of four detainees nationwide are foreign. But this is not because foreigners commit more crimes but rather because they are seen as “flight risks” by authorities, according to a 2006 study by Bern University. In the above-mentioned cantons, around 87 per cent of people in pre-trial detention are foreign, compared with 73 per cent in eastern regions and 74 per cent in central and north-west Switzerland. “Cross-border crime is much more of a western-Swiss phenomenon than in eastern regions,” said Killias. “Suspects living abroad all end up in pre-trial detention; otherwise they would never come to a hearing.”

According to the Statistics Office, prisons in French- and Italian-speaking parts are 100 per cent full, while the overall occupancy rate of Swiss prisons stands at 90 per cent. Despite this general upward trend, Quéloz said it was important to put all these statistics into perspective.

“The Swiss prison population is 80 detainees for every 100,000 residents. When you compare this with Austria (110), France (100), Germany (95), Italy (80), Russia (630), Poland (235), the Netherlands (113), Switzerland shouldn’t be too worried,” he said.

Simon Bradley, swissinfo.ch

Swiss prison system

There are 114 detention centres in Switzerland with places for 6,683 inmates. In 2009 there was a total of 6,084 people under lock and key (+5% compared with 2008), the second highest level in a decade. Women accounted for 6% of the prison population, and teenagers 1%.

On the office's reference day - September 2 - 1,888 people were being held in detention. A further 3,603 were serving time, while 411 were waiting to be expelled from the country. The 182 others were being held for a variety of reasons. Foreigners represented 70% of those in detention.

Switzerland's most overcrowded prison, Champ-Dollon jail in Geneva, was built in 1977 to hold 270 prisoners but today averages nearly twice as many. In mid-January 2009 there were 502 detainees. Around 60% of people held there are in investigative custody.

Geneva tackles prison overcrowding

By Samuel Jaberg

Jul 29, 2011 - 13:32



Prison director Constantin Franziskakis (right) shows a cell to Mark Müller and Isabel Rochat

(Keystone)

Infamous for being the most overcrowded prison in the country, Champ-Dollon in Geneva has just opened a new annex with room for 100 more inmates.

swissinfo.ch joined local politicians gathered at the prison to attend the inauguration of the building, which has been welcomed by all parties as a step in the right direction.

Located between two residential villages in the Geneva suburbs, within sight of the French border, Champ Dollon prison is a vast building site. Three cranes tower over the complex, sign of the frenzy of activity which has gripped the place for several months.

The imposing walls topped with barbed wire around the giant complex and the numerous guards who watch the comings and goings of trucks and workers make it clear: expanding a prison while maintaining business as usual is a monumental task.

All the more difficult because daily life in the prison is very tense owing to the chronic overcrowding which has affected the prison since the beginning of the last decade.

Built for 270 inmates, Champ-Dollon is currently housing almost double that number. A year ago the prison reached a lamentable record: 622 inmates were locked up there in extremely crowded conditions.

On this unseasonably cool grey morning in July, the prison opened its doors to Geneva's political and judicial establishment. Which may explain why, when the 30 or so journalists entered the courtyard to the brand new 100-bed annex, shouts and insults flew from the main building.

Record build

To avoid too much disruption to the precarious calm of the place, the opening ceremony took place in the prison gymnasium.

Head of the Geneva government Mark Müller welcomed the realisation of an exceptional project, noting that it took only 18 months from the decision of the cantonal government to the inauguration of the new building, with a total cost of SFr35 million (\$43.68 million).

“This is the result of a project equally necessary for the inmates and the guards who work in extremely difficult conditions,” Müller said.

His colleague Isabel Rochat is head of security and police. “We are relieved because the detention conditions will finally improve. Respect for the person, whatever the crime committed, has too often been flouted in our history,” she said.

In the recent past, the “powder keg” of Champ-Dollon has often hit the headlines. Last year was no exception, with several riots and an attack on five guards in October.

Last week, the Geneva press revealed that four internal inquiries were underway following complaints by the inmates of bad treatment. This explosive situation has repeatedly drawn criticism from human rights organisations.

The director of the prison, Constantin Franziskakis, defends his employees: “An overcrowded prison is a place in which incidents inevitably happen. We are not dealing with an easy population. But the incidents remain isolated.”

New code

In 2008, the anti-torture committee of the Council of Europe criticised the overcrowding at Champ Dollon in a report. Unworthy practices in a canton which is home to the main international institutions defending human rights, Isabel Rochat admits.

“A canton and a country are judged by how they manage their security. Geneva is the cradle of the humanitarian organisations, it should show an example and offer places of detention which respect the most elementary laws.”

So why wait so long to expand the prison? “It has to be acknowledged that we did not fully grasp the rapid increase in the number of inmates. We hoped that the numbers had reached a peak and would go down but that was not the case,” she said.

Since the beginning of the year, a change in the law has somewhat taken the pressure off the director of the prison and his staff of almost 300. The entry into force of a new penal procedure code has put an end to the systematic use of preventative detention for minor crimes.

Many lawyers had been complaining in Geneva about the over-use of provisional detention. Since the beginning of the year, the prison population has fallen by 25 per cent.

But not all the problems have been solved and the prison still has just 370 places for 456 registered inmates.

The minister in charge of security is less than optimistic about the outlook for Geneva.

“The security situation is very critical in Geneva. Our canton has become a sort of supermarket without a checkout. We are unfortunately not moving towards a decrease in the number of inmates.”

National stakes

Another building destined to house 92 inmates suffering from psychiatric problems is scheduled to be completed in 2013. The new annex of Brenaz prison will accommodate 150 new inmates between now and 2015.

As for the possibility of building a new prison at Champ-Dollon, it depends on the evolution of the number of inmates in the coming months. “We want to move faster,” Müller said.

The Swiss Human Rights League has long denounced the competitive expansion of the prison system, claiming that the places created in recent years only have the effect “of multiplying the incarceration of the population and reinforcing the abuse of preventative detention, driven by an unacceptable penal populism”.

The burning question of prison overcrowding may be symbolised above all by Champ-Dollon but the problem goes beyond canton Geneva. The rate of occupation of Swiss prisons reached 92.5 per cent on average in September 2010, date of the last survey by the Federal Statistics Office.

With an occupation rate of 105 per cent, the prisons in French- and Italian-speaking regions are particularly problematic.

“The prisons are full all over Switzerland,” Rochet said. “In the same way that the number of police is a Swiss problem, prison overcrowding is also a national problem. We have to solve it together.”

Champ-Dollon prison

Opened in 1977, Geneva’s Champ-Dollon prison has the main function of detaining prisoners before trial and sentencing.

Since the beginning of the last decade, the prison has seen a constant increase in numbers of inmates, leading to the development of a chronic problem of overcrowding. Over the year 2010, a record total of 3,075 inmates were accommodated at Champ-Dollon. The site currently houses 456 inmates, although it was built for 270.

Inmates: 115 different nationalities were represented in the prison in 2010 with just 7.2% Swiss. Most of the inmates did not have a known address in Switzerland. One in ten of the total spent just one night in the prison; 36% stayed eight nights or more.

Expansion: The opening of Cento Rapido, an annex to the main prison will provide 100 more places from August 15, as well as workshops. By 2013 the Curabilis prison for dangerous inmates and those with psychiatric problems will offer 92 more places. The construction of a new hospital unit will free up 40 more places.

Punishment

There are 114 detention establishments in Switzerland. Seven of them are for prisoners serving sentences. They offer 6,683 places in total.

On September 2009 (last date of reference of the Federal Statistics Office), 6084 people were imprisoned in Switzerland, including 374 women (7% of the total).

4,272, or 70 % of prisoners were foreigners.

31% were in preventative detention and 59% serving sentences. 7% were subject to constraint measures and 3% were incarcerated for other reasons. The occupancy rate was 91%, five per cent more than the previous year.

The occupancy rate was particularly high in French-speaking Switzerland (105%) where certain prisons are overcrowded.

The number of inmates per 100,000 population has increased. It has gone from 76 to 80 per 100,000.

B. Answer the following questions.

1. How does the text describe the trend in Swiss prisons when it comes to the prison population?
2. How is the rise in the number of prisoners explained?
3. In which cases is pre-trial detention preferred and why?
4. In which regions of Switzerland are prisons more overcrowded? Why?
5. Why do Swiss authorities expect a decrease in the number of detainees?
6. What in the new criminal procedure code is expected to reduce the number of detainees?
7. Why are day fines not regarded as a good solution?
8. What was the authorities' excuse for not having expanded Champ-Dollon prison?
9. Why did the Swiss Human Rights League fear that the expansion of the prison is not a good solution?

C. Vocabulary exercise

Provide near-synonyms or explanations for the following words and phrases.

1. inmates
2. rise in prisoner figures
3. a drop in prisoners
4. abolishing jail terms
5. day-fines
6. lock people away
7. resort more readily to pre-trial detention
8. 'flight risks'
9. serve time
10. inquiries were underway
11. the numbers had reached a peak
12. respect for the person has been flouted

KEY TO EXERCISES

PART I. GENERAL CRIMINAL TERMINOLOGY.

I. 1 – i; 2 – d; 3 – g; 4 – j; 5 – l; 6 – h; 7 – c; 8 – f; 9 – k; 10 – b; 11 – a; 12 – e.

II.

Verb	Noun
rule	ruling
try	trial
decide	decision
release	release
judge	judgment
serve	service
deprive	deprivation

III. 1 – b; 2 – c; 3 – c; 4 – b; 5 – b; 6 – d; 7 – d; 8 – a; 9 – c; 10 – b; 11 – d; 12 – a; 13 – c; 14 – b; 15 – b; 16 – d.

IV.

Verb	Noun	Adjective
accuse	accusation	accused
deprive	deprivation	deprived
sentence	sentence/sentencing	sentenced
presume	presumption	presumed
appeal	appeal	appellate
allege	allegation	alleged

V. 1. – l.; 2. – q.; 3. – e.; 4 – b; 5. – s; 6. – o; 7. – j; 8. – m; 9. – a; 10. – f; 11. – p; 12. – h; 13. – c; 14. – r; 15. – k; 16. – n; 17. – d; 18. – I; 19. – g.

VI. 1. money/profit; 2. public figure; 3. document/currency; 4. violence; 5. building/dwelling/property

VII.

Verb	Noun action/event	Noun person
convict	conviction	convict
detain	detention	detainee
suspect	suspicion	suspect
appeal	appeal	appellant
defend	defence	defendant
hear	hearing	-
offend	offence	offender
prosecute	prosecution	prosecutor
try	trial	-
apply	application	applicant
judge	judgment	judge

1. defendant; 2. conviction; 3. judge; 4. suspicion, offence; 5. appeal; 6. detainee; 7. prosecute; 8. offender; 9. tried; 10. suspect; 11. hearing; 12. defence; 13. trial; 14. detained.

VIII. 1. punishment given by a judge in court to a person who has been found guilty of an offence; 2. a person usually without legal qualifications and doing unpaid work, sitting in a magistrates' court and dealing with minor offences, a justice of the peace; 3. charge, allegation of an offence; the offence charged; 4. to perform something; to inflict capital punishment; 5. directions from the physician to the pharmacist as to what remedies or medicines to prepare or sell; 6. a series of actions taken in order to achieve a result; a continuous action or a series of changes taking place in a definite manner; the course or development of the proceedings

IX. (1) – c; (2) – d; (3) – b; (4) – d; (5) – d; (6) – b; (7) – b; (8) – c; (9) – a; (10) – d; (11) – d; (12) – b; (13) – b; (14) – c; (15) – a; (16) – c; (17) – b; (18) – b; (19) – d; (20) – b; (21) – d; (22) – d; (23) – b; (24) – c; (25) – a.

***PART TWO. THE VOCABULARY OF JUDICIAL COOPERATION
IN CRIMINAL MATTERS.***

***SOCIAL REINTEGRATION OF SENTENCED PERSONS:
A COMPREHENSIVE EUROPEAN APPROACH***

I. 1. gathered, enhance, continue, mutual; 2. alteration, deletion, entail, alteration, deletion; 3. ensure, in accordance with, limitations; 4. waive, reservations; 5. accelerate, assist; 6. further, secure; 7. notify; 8. severe, originally; 9. resume; 10. confidence, enable; 11. prevented, unforeseen; 12. cease; 13. remainder; 14. assessment.

II. 1. ineffective; 2. indirect, incompetent; 3. disrespect, illegal; 4. inapplicable, unlawfully; 5. unreasonable; 6. unlikely; 7. inefficient, inaccessible; 8. unavailable, inexistence; 9. irrelevant; 10. inequality, unfairness, unreasonableness; 11. impossibility; 12. disagree.

III. 1. provisions, validity, consideration; 2. punishable, custodial, deprivation, verification, criminality, applicable, supervision; 3. authority, receipt, responsibility; 4. (a) modification, instructions; (b) revocation, suspension; (c) imposition, conditional; 5. transmission, certificate; 6. enforcement, possibility, rehabilitation; 7. reference, habitual, professional; 8. application, criminal, broadening, application, legal; 9. central, nationality, convictions, convictions, nationals, stateless; 10. identification, explanation, problematic, coordination, development, operation.

IV. 1. respects, observes; 2. final, guilt; 3. exclusion, previous, prevent; 4. later, refuse; 5. subsequent, new; 6. less, maximum, different; 7. aggravate; 8. accept.

V. 1. to, in, to, by, with; 2. with, to, in, by, in, to, to; 3. between, from; 4. to, for, for, into, for; 5. on, in, on, from; 6. with, in, to, to, for; 7. to, at, after, under, in, on; 8. to, within, in, in, on, to, in, in; 9. of, with, in, by; 10. to, for, on, at; 11. into, for, for, on, in; 12. of, to, of, for; 13. to, from; 14. in, for, through.

VI. 1. can, may; 2. cannot; 3. must; 4. may, cannot; 5. should, might; 6. must, may; 7. cannot, should not; 8. may not.

VII. 1. All subsequent decisions related to a suspended sentence, a conditional sentence or an alternative sanction which result in the imposition of a custodial sentence or measure involving deprivation of liberty should be taken by a judicial authority. 2. If a decision under Article 14(1) (b) or (c) is taken by a competent authority other than a court, the Member States shall ensure that, upon request of the person concerned, such decision may be reviewed by a court or another

independent court-like body. 3. The certificate referred to in paragraph 1 shall be signed and its content certified as accurate by the competent authority of the issuing state. 4. All expenditure concerning the common communication infrastructure should be covered by the general budget of the European Union. 5. The Additional Protocol to that Convention, which allows transfer without the person's consent, subject to certain conditions, has not been ratified by all Member States. 6. The judgment and, where applicable, the probation decision, shall be forwarded by the competent authority of the issuing State directly to the competent authority of the executing State. 7. The competent authority of the executing State may refuse to recognise the judgment and enforce the sentence if at the time the judgment was received by the competent authority of the executing State, less than six months of the sentence remain to be served. 8. An amnesty or pardon may be granted by the issuing State and also by the executing State.

VIII. 1 – b; 2 – a; 3 – b; 4 – d; 5 – d; 6 – a; 7 – a; 8 – d; 9 – b; 10 – c; 11 – c; 12 – a; 13 – c; 14 – b; 15 – b; 16 – d; 17 – a; 18 – c; 19 – c; 20 – b; 21 – c; 22 – d; 23 – a; 24 – a.

IX. Reading comprehension.

B. Suggested answers: 1. There are complaints that the prisons are overcrowded, with the number of detainees constantly on the increase. 2. It is explained by the fact that courts are prone to pass imprisonment sentences rather than alternative sanctions, and that there is an excessive imposition of pre-trial detention. 3. In the case of foreign offenders, who have no residence in Switzerland and who are feared to leave the country in order to escape. 4. In the French- and Italian-speaking regions, because in those regions courts resort more readily to pre-trial detention and because the percentage of foreign suspects is higher. 5. Because the criminal procedure code was changed. 6. The replacement of sentences of less than six months of imprisonment with alternative sanctions. 7. Because prisons will end up being overcrowded by people who do not afford to pay the fines. 8. They hoped that the huge number of inmates had reached a peak, and they assumed that this number would gradually drop. 9. They claimed that this is a competitive expansion, which will eventually lead to the overcrowding of prisons, since the places created in the recent years would encourage courts to pass imprisonment sentences.

C. 1. detainees; 2. increase in number of the prison population; 3. a decrease in number of the prison population; 4. abolishing/putting an end to imprisonment sentences; 5. fines calculated per day on the basis of a person's income; 6. imprison people; 7. have a high tendency/are more prone to order pre-trial detention; 8. suspects who are seen as more likely to abscond; 9. serve a

custodial sentence; 10. inquiries were initiated, in progress; 11. the numbers had reached a maximum; 12. respect for the person has been defied, disregarded