



# International Law

مؤسسه فرهنگی طرح نوین اندیشه

## THE ENGLISH LEGAL SYSTEM

The English legal system also applies to Wales and is often closely followed in Northern Ireland. It has two types of law:

"(a) Common law: the basic principles of law as applied in past cases (case law) where Parliament has not made any special rulings or Acts. The existence of common law means that a judge does not have to refer to Parliament when an unfamiliar case comes up. Instead, he looks for precedents (past cases of a similar kind) and for general principles;

(b) Statute law: specific laws passed as acts of Parliament. Statute law takes priority over common law so far as it covers the case being heard. If it does not give specific guidance (e.g. in a new type of case which was envisaged when the law was passed), then judges apply the common law, trying as far as possible to do what they think Parliament would have wanted them to, if it had known about the case in hand."

## International law (jus gentium, law of nations)

The system of law regulating the interrelationship of sovereign states and their rights and duties with regard to one another. In addition, certain international organization (such as the United Nations), companies, and something individuals (e. g. in the sphere n human right) may have rights or duties under international law. International law deals with such matters as the formation of states, acquisition of territory, war, the law of the sea and of space, treaties, treatment of aliens, human rights, international crimes, and international judicial settlement of disputes. The usual sources of international law are (١) conventions and treaties; (٢) international custom, in so far as this is evidence of a general practice of behavior accepted as legally binding (See OPINIO JURIS; CUSTOMARY INTERNATIONL LAW); (٣) the general principles of law recognized by civilized nations.

## Sources of international law

The sources of public international law are to be found Article ٣٨ (١) of the Statute of the international Court of Justice. They are treaties, customary international law, general principles of law, and, as subsidiary sources, judicial decisions and the teaching of the most highly qualified publicists of the various nations.

## Treaty

An international agreement in writing between two states (a bilateral treaty) or a number of state (a multilateral treaty). Suh agreements can also be known as convention. Pacts, protocols, final acts, arrangements, and general acts.

**Custom** n. A practice that has been followed in a particular locality in such circumstances that it is to be accepted as part of that locality. In order to be recognized as customary law it must be reasonable in nature and it must have been followed continuously, and as if were a right, since the begging of legal memory. Legal memory began in ١١٨٩, but proof that a practice has been followed within living memory raises a presumption that in began before that date.

**Opinio juris** [Latin, from opinio juris sive necessitates (whether the opinion of law is compulsory)] An essential element of \* custom, one of the four sources of \*international law as outlined in the Statute of the \*International Court of Justice. Opinio juris requires that custom should be regarded as state practice amounting to a legal obligation, which distinguishes in from mere usage.

## General principles of law

Article ٣٨ of the Statute of the International Court of Justice requires the Court to apply as sources, in the first instance, (١) treaties and (٢) customary international law. However, this same article also authorizes the court to apply "the general principles of law recognized by civilized nations". Thus, should neither treaty or custom prove adequate to resolve a contentions

question, resort may be had to general Principles as subsidiary Source. The general Principles are commonly recognized and the norms existing in municipal law of the majority of nations. When such a norm (i.e. the rule against judicial bias) has achieved the requisite degree of usage, it may thus be recognized as a subsidiary source of the substantive content of international law.

### Precedent

A judgment or decision of a court, normally recorded in a law report used as an authority for reaching the same decision in subsequent cases.

**ex. aequo et bono** [Latin] As a result of fair dealing and good conscience, i.e. on the basis of equity. The phrase refers to the way in which an international tribunal can base its decision not upon conventional law but on what is just and fair to the parties before it, Article 38 of the Statute of the \*international Court of Justice provides that "if the parties agree the Court may decide a case ex aequo et bono". In point of fact this provision has never been implemented for the practical reason that in no case before the Court have the parties agreed to allow its use.

**Jus cogens** [Latin: coercive law] A rule or principle in international law that is so fundamental that it binds all states and does not allow any exceptions. Such rules (sometimes called **peremptory norms**) will only amount to jus cogens rules if they are recognized as such by the international community as a whole. A treaty that conflicts with an existing jus cogens rule is void, and if a new jus cogens rule emerges, any existing treaty that conflicts with it automatically becomes void. States cannot create regional customary international law that contradicts jus cogens rules. Most authorities agree that the laws prohibiting slavery, genocide, piracy, and acts of aggression or illegal use of force are jus cogens laws. Some suggest that certain human rights provisions (e. g. those prohibiting radical discrimination) also come under the category of jus cogens.

### The law of Treaties:

**Reservation** n. ۱. (in international law) A unilateral statement made by a state, when signing, ratifying, approving, or acceding to a treaty, in order to exclude or modify the legal effect of certain provisions of the treaty in their application to that state. This device is used by signatory states to exempt particular policies from challenge. The UK has made one reservation in relation to the \*right to education in Article ۲ of the First Protocol to the European Convention on Human Rights. The \*Human Rights Act ۱۹۹۸ also excludes public authorities from duties under Article ۲ where this reservation applies. ۲. (in land law) The creation of an easement or other right in a conveyance of land that is for the benefit of land retained by the vendor or transferor. For example, if A is selling Black acre but requires a right of way over it for access to land he is retaining, the conveyance of Black acre to the purchaser will reserve the right of way for the benefit of A's retained land. Such a reservation may be implied in circumstances of necessity.

**Rebus Sic Stantibus** [Latin: matters so standing: in the existing state of matters] A phrase used when a state or international organization seeks to avoid or renegotiate its treaty obligations because a change of circumstances has rendered the objective of the treaty difficult or impossible. The Vienna Convention on the Law of Treaties ۱۹۶۹ distinguishes between supervening impossibility of performance and fundamental change of circumstances (Articles ۶۱ and ۶۲).

### Accession

The formal agreement of a country to an international treaty. The term is applied to the agreement of a country to become a member state of the European Union. Member states accede to the Treaty of a member of Rome or any other EU treaty by signing accession agreement.

### Pacta sunt servanda

Agreements are to be kept; treaties should be observed. Pacta sunt servanda in the bedrock of the customary international law of treaties and, according to some authorities, the very foundation of international law. Without such an acceptance, treaties would become worthless.

**United Nations (UN)** An international organization, based on New York and Geneva, set up by the United Nations Charter in ۱۹۴۵ to replace the League of Nations. The main aims of the UN are:

- To maintain international peace and security and to bring about settlement international disputes by peaceful means;
- To develop friendly relations among nations;
- To archive international cooperation in solving international problems of an economic or cultural nature and in promoting respect for human rights.

The Charter set out certain fundamental principles, which include the undertaking to refrain from using or threatening force against the territory or political independence of any state.

The Charter established six principle organs, of which the most importance are the **General Assembly**, the Security Council, the Economic and Social Council, and the \*international Court of Justice. The General Assembly is the debating forum of the UN, consisting of all the member states. The Security Council has five permanent members (China, France, Russia, the UK, and the (USA), and ten temporary members elected for two – year periods. Its resolutions are binding on member state, but each permanent member has the right to veto a resolution. It is empowered, under certain conditions, to make recommendations and take measures to maintain the peace, including the establishment of peacekeeping military forces in sensitive areas.

The secretariate serves as the permanent liaison between the organs of the United Nations and between these organs and such specialized agencies as the United Nations High commissioner for refugees (UNHCR) and the United Nations Children's Fund (UNICEF). It prepares every session of the General Assembly and the Economic and Social Council and is headed by the UN Secretary General, the chief administrative officer of the UN.

The United Nations has lost credibility as an international organization because it has often been divided upon issues on the basis of political (rather than legal) factors or has passed resolutions of a political nature. Nevertheless it remains important as the only world organization (almost all independent states are members of the UN) and as a forum for discussion and development of international law.

### **Veto**

(in international law) The power given to any permanent member of the Security Council of the United Nations to refuse to agree to any nonprocedural proposal (there is no such power in relation to procedural matters) and thereby defeat it. An abstention is not equivalent to a veto.

### **Succession**

(in international law) The transfer of sovereignty over territorial entity from one subject of international law (i.e. one state) to another. As a result of succession, an existing state becomes totally extinguished.

### **Recognition**

The process by which one state declares that another political entity fulfils the conditions of statehood and that it is willing to deal with it as a member of the international community. Recognition usually takes place when a new state comes into being.

### **Peaceful Settlement of Disputes:**

#### **Negotiation**

(in international law) A diplomatic procedure by which representative of states, either by direct personal contact or through correspondence, engage in discussing matters of mutual concern and attempt resolve disputes that have arisen in relations between themselves.

#### **Mediation**

1. A form of alternative dispute resolution in which an independent third party (mediator) assists the parties involved in a dispute or negotiation to achieve a mutually acceptable resolution of the points of conflict. The mediator, who may be a lawyer or a specially trained nonlawyer, has no decision – making powers and cannot force the parties to accept a settlement. In family law, for example, mediators assist spouses resolve disputes that have arisen as a consequence of the breakdown of their marriage by reaching agreement or reducing conflict over future arrangements for children or their finance. Mediation which is designed to avoid the need to take cases to court, is likely to be extended to many other areas of the law since the publication of Lord Woolf's Access to Justice (Final Report) ۱۹۹۶ and the introduction of the Civil Procedure Rules, in which it is actively encouraged.

۲. (in international law) A method for the peaceful settlement of an international dispute in which a third party, acting with the agreement of the disputing states, actively participates in the negotiating process by offering substantive suggestions concerning terms of settlement and, in general, by trying to reconcile the opposing claims and appeasing my feeling of resentment between the parties involved. See also CONCILITATION; GOOD OFFICES.

### **Good offices**

A technique of peaceful settlement of an international dispute, in which a third party, acting with the consent of the disputing states, serves as a friendly intermediary in an effort to persuade them to negotiate between themselves without necessarily offering the disputing states substantive suggestions towards achieving a settlement. A good example occurred during the ۱۹۷۹-۸۰ Iranian hostage crisis, when Iran and USA resolved the crisis by means of the good offices of the Algerian government Iran released the US and Canadian hostages to Algeria. See also CONCILATION, MEDIATION.

### **Inquiry**

(in international law) An attempt to discover the facts surrounding an international incident that is the subject of a dispute between two more parties by means of an impartial investigative body. Such an investigation is intended to promote a successful resolution for the dispute. In treaty law each of the Bryan Treaties and number of other permanent commissions of inquiry. In ۱۹۶۷ the UN General Assembly adopted a resolution supporting the institution of such impartial fact – finding and requested the Secretary – General to establish a register of experts whose could be used by states in specific disputes. Perhaps the most famous example of an inquiry was that following the Dogger Bank incident of ۱۹۰۴, which involved the accidental sinking of British boats by the Russian Baltic fleet. See also CONCILATION, GOOD OFFICES, MEDIATION.

### **Arbitration agreement**

A contract to refer a present or legal dispute to arbitration. Such agreement are of two kinds: those referring an existing dispute to arbitration and those relating to disputes that may arise in the future. The second type is much more common. No particular form is necessary, but the agreement should name the place of arbitration and either appoint the arbitrator or arbitrators or (more usually) define the manner in which they are to be appointed in the absence of agreement between the parties. The agreement should also set out the procedure for appointing an umpire if two arbitrators are involved and they fail to agree.

**International Court of Justice** A court at the Hague, consisting of ۱۵ judges elected for ۹ terms of office that has power to determine disputes relating to international law. It was set up by the united Nations in succession to the Permanent Court of International Justice, and all members of the UN are automatically parties to the Statute of the Count No Sate may be brought

before the Court in the contentions proceedings unless it has accepted its jurisdiction, either by agreement in a particular case or by recognition of the authority of the Court in general, in respect of may dispute with another state accepting the general jurisdiction of the Court (the principle of reciprocity; see also OPTIONAL CLAUSE). The Court may also give advisory opinions, which do not bind the parties but are of great \*persuasive authority. The Court's first case was that of the Corfu Channel litigation (great Britain v Albania [۱۹۴۹] ICJ REP ۱,۲۴۴). The Court decided that the UK had a right to navigate through the Corfu Channel thus holding Albania responsible for the damage to a Royal Navy vessel. At the point of wiring, Albania has still to pay the compensation awarded by the Court.

Forum prorogatum [Latin] prorogated jurisdiction, which occurs when power is conferred – by the consent of the parties and following the initiation of proceedings – upon the International Court of Justice, which otherwise would not have adjudicated. Such consent can be indicated in an implied or informal way or by a succession of acts (Anglo – Iranian Oil Case [۱۹۵۲] ICJ Rep ۹۳).

**Separation of powers** The doctrine that the liberty of the individual is secure only if the three primary functions of the state (legislative, executive, and judicial) are exercised by distinct and independent organs. It was propounded by Montesquieu (De l'Esprit des Lois, ۱۷۴۸), who regarded it as a feature of the UK constitution. In fact, however, while the judiciary is largely independent, the legislature and the executive depend on one another and their members overlap. The doctrine had a great influence over the form adopted for the constitution of the USA and many other countries.

### **Persona non grata [Latin: an unacceptable or unwelcome Person]**

A diplomatic agent who is unacceptable to the receiving state. The sending state should recall such an agent; if this fails to occur, the host state may ignore the presence of the agent or expel him for its territory.

### **International Criminal Court (ICC)**

A permanent court to try individuals for the most serious offences of global concern. In July ۱۹۹۸, ۱۶۰ nations signed the Statute of Rome in order to establish this court. Crimes within the jurisdiction of the Court are genocide war crimes, and crimes against humanity, such as widespread or systematic extermination of civilians, enslavement, torture, rape, forced pregnancy, persecution on political, racial, ethnic, or religious grounds, and enforced disappearances. Prior to the establishment of the Court offences had been tried by ad hoc tribunals such as the International Criminal Tribunal for Rwanda. The Court set up by the statute of Rome is both permanent and has a jurisdiction extending to a large number of states. However, the Rome Statute provides that, except when the UN Security Council determines to the contrary, the ICC will be limited to the prosecution of crimes that take place on the territory of state that have ratified the Statute of Rome. The USA, despite having signed the Statute, has stated that it has no intention of ratifying the treaty. The Statute of the Court entered into force on ۱ July ۲۰۰۲.

## Vocabulary

|                        |                     |
|------------------------|---------------------|
| Abstention             | غیبت                |
| Acceding               | الحاق               |
| Accepting              | قبولی               |
| Accession              | الحاق               |
| Achieve                | دستیابی             |
| Achieving              | دستیابی             |
| Acquisition            | اشغال               |
| Act                    | عمل                 |
| Acts of aggression     | اعمال خشونت بار     |
| Ad hoc                 | موقت                |
| Adequate               | برابر               |
| Adjacent               | مجاور               |
| Adjudicated            | مورد قضا قرار گرفتن |
| Administrative         | اداری               |
| Administrative officer | افسر اداری          |
| Advisory opinions      | نظریات مشورتی       |
| Against                | علیه                |
| Agencies               | آژانس               |
| Agree                  | توافق کردن          |
| Aircraft               | هواپیما             |
| Alien                  | بیگانه              |
| Allow                  | اجازه دادن          |
| Also                   | همچنین              |
| Among                  | بین                 |
| Amount to              | منجر شدن به         |
| Annual                 | سالانه              |
| Application            | اعمال               |
| Applies                | اعمال کردن          |
| Apply                  | اعمال               |
| Appoint                | منصوب کردن          |
| Approving              | تصویب               |
| Arbitration agreement  | توافق اداری         |
| Arisen                 | ایجاد شده           |
| Arrest                 | دستگیر کردن         |

|                                   |   |
|-----------------------------------|---|
| Assisting                         | معاونت در جرم                             |
| Attempt                           | شروع                                      |
| Authorise                         | قدرت دادن                                 |
| Authorities                       | مقامات                                    |
| Authority                         | اختیار                                    |
| Avoid                             | اجتناب                                    |
| Baseline                          | خط مبدأ                                   |
| Basic                             | پایه                                      |
| Bay                               | خلیج                                      |
| Before                            | در محضر دادگاه                            |
| Beneath                           | زیر                                       |
| Bilateral                         | دو جانبه                                  |
| Bind                              | ملزم کردن                                 |
| Body                              | مجموعه                                    |
| Bring about                       | برقراری                                   |
| Capture                           | توقیف                                     |
| Category                          | طبقه‌بندی                                 |
| Charter                           | منشور                                     |
| Chief                             | رئیس                                      |
| Circumstances                     | شرایط                                     |
| Civilians                         | شهروندان                                  |
| Civilized nations                 | ملل متمدن                                 |
| Coastal                           | ساحلی                                     |
| (Commissioner for Refugees )UNHCR | کمیساریای عالی ملل متحد در امور پناهندگان |
| Committed                         | متعهد شد                                  |
| Common                            | مشترک                                     |
| Competence                        | صلاحیت                                    |
| Comprise                          | شامل شدن                                  |
| Compulsory                        | اجباری                                    |
| Concerning                        | در ارتباط با                              |
| Conditions                        | شروط                                      |
| Conferred                         | اعطا شده                                  |
| Conflict with                     | مغایرت داشتن                              |
| Conflict                          | جنگ                                       |
| Consent                           | رضایت                                     |
| Conserving                        | محافظت                                    |
| Consisting                        | شامل                                      |
| Contentious question              | مسئله ترافعی                              |

|                             |                      |
|-----------------------------|----------------------|
| Contentious                 | ترافیعی              |
| Contiguous                  | مجاور                |
| Continuously                | مداوم                |
| Convention                  | کنوانسیون            |
| Conventional law            | حقوق معاهدات         |
| Conversions                 | کنوانسیون‌ها         |
| Cooperation                 | همکاری               |
| Correspondence              | مکاتبه               |
| Create                      | ایجاد کردن           |
| Credibility                 | اعتبار               |
| Cultural                    | فرهنگی               |
| Current                     | جاری                 |
| Customary international law | حقوق بین‌المللی عرفی |
| Customs                     | گمرک                 |
| Dealing whit                | در ارتباط با         |
| Debating                    | تبادل نظر            |
| Decide                      | حکم صادر کردن        |
| Decision                    | تصمیم                |
| Decision                    | رویه                 |
| Defeat                      | شکست                 |
| Detention                   | توقیف                |
| Determine                   | تعیین کردن           |
| Develop                     | توسعه                |
| development                 | توسعه تدریجی         |
| Diplomatic procedure        | آیین دیپلماتیک       |
| Direct personal             | تماس شخصی            |
| Disappearanees              | ناپدید کردن          |
| Discrimination              | تبعیض                |
| Discussing                  | بحث                  |
| Disputes                    | اختلافات             |
| Distinguishe                | تمایز                |
| Divided                     | تقسیم شده            |
| Doctrine                    | نظریه                |
| Draft                       | پیش نویس             |
| Duty                        | تکلیف                |
| Economic                    | اقتصادی              |
| Elected                     | انتخاب شده           |
| Emerge                      | ظاهر شدن             |

|                    |                 |
|--------------------|-----------------|
| Empowered          | اختیار داده شده |
| Enforced           | اجباری          |
| Enforcing          | الزام کردن      |
| Engage             | درگیر بودن      |
| Enslavement        | بهره برداری     |
| Equally            | برابر           |
| Equity             | انصاف           |
| Equivalent         | معادل           |
| Essential          | ضروری           |
| Establishment      | استقرار         |
| Establishment      | تأسیس           |
| Ethnic             | قومی            |
| Evidence           | مدرک            |
| Ex aequo et bono   | اصل انصاف       |
| Exceeding          | از حد گذشته     |
| Exception          | استثنا          |
| Exclude            | استثنا کردن     |
| Exclusive          | انحصاری         |
| Exercise           | اعمال           |
| Existing state     | وضعیت موجود     |
| Existing treaty    | معاهده موجود    |
| Expel              | اخراج کردن      |
| Exploiting         | استخراج         |
| Extending          | گسترده          |
| Extermination      | نابودی          |
| Extinguished       | از بین رفتن     |
| Extradition        | استرداد         |
| Factors            | عوامل           |
| Fair               | انصاف           |
| Fair dealing       | برخورد منصفانه  |
| Final act          | تصمیم نهایی     |
| First instance     | بند اول ماده    |
| Fishing regulation | مقررات ماهیگیری |
| Forced pregnancy   | بارداری اجباری  |
| Formation          | شکل گیری        |
| Forum              | مرکز            |
| Forum              | فقر             |
| Freedom            | آزادی           |

|                                |                           |
|--------------------------------|---------------------------|
| Fulfil                         | تکمیل کردن                |
| Function                       | کارکرد                    |
| Fund                           | صندوق                     |
| Fundamental                    | اساسی                     |
| Furom prorogatum               | دادگاه صالح ضمنی          |
| Gain                           | به دست آوردن              |
| General Assembly               | مجمع عمومی                |
| Genocide                       | نسل کشی                   |
| Global concern                 | جهانی                     |
| Good concience                 | وجدان آگاه                |
| Good offices                   | مساعی جمیله               |
| Goods                          | کالا                      |
| Government                     | دولتی                     |
| ground                         | زمینه                     |
| Has lost                       | از دست داده               |
| Heritage                       | میراث                     |
| High seas                      | دریاهای آزاد              |
| Hot                            | فوری                      |
| Human right                    | حقوق بشر                  |
| Human rights provisions        | مقررات حقوق بشر           |
| Humanity                       | بشریت                     |
| Ignore                         | نادیده گرفتن              |
| Illegal act                    | عمل غیرقانونی             |
| Immigration                    | مهاجرت                    |
| Impartial                      | بی طرف                    |
| Impossibility                  | غیرممکن شدن               |
| In nature                      | ماهیتا                    |
| Inciting                       | تحریک کردن برای جرم       |
| Includes                       | شامل                      |
| Independent                    | مستقل                     |
| Individual                     | شخص                       |
| Initiation                     | آغاز                      |
| Innocent                       | بی گناه                   |
| Inquiry                        | کمیسیون تحقیق             |
| Intermediary                   | واسطه                     |
| International community        | جامعه بین المللی          |
| International Court            | دادگستری بین المللی       |
| International court of justice | دیوان بین المللی دادگستری |

|  |                        |
|--|------------------------|
| International criminal court             | دیوان کیفری بین‌المللی |
| International law                        | حقوق بین‌الملل         |
| International low commission)ILC(        | کمیسیون حقوق بین‌الملل |
| Investigative                            | تحقیقاتی               |
| Is headed                                | اداره شده              |
| Judgement                                | حکم                    |
| Judicial                                 | قضایی                  |
| Jurisdiction                             | صلاحیت                 |
| Jus cogens=coercive law=peremptory norms | قاعده امره             |
| Just                                     | عدالت                  |
| Lake                                     | دریاچه                 |
| Land-lock                                | محصور در خشکی          |
| Law report                               | گزارش حقوقی            |
| Legal                                    | حقوقی                  |
| Liaison                                  | رابطه                  |
| Maintain                                 | حفظ                    |
| Maintain                                 | دستیابی                |
| Mankind                                  | بشریت                  |
| Maritime                                 | دریایی                 |
| Matter                                   | موضوع                  |
| Means                                    | ابزار                  |
| Mediation                                | میانجیگری              |
| Merchant                                 | تجاری                  |
| Mere                                     | فقط                    |
| Modify                                   | اصلاح کردن             |
| Multilateral                             | چند جانبه              |
| Mutual concern                           | رابطه متقابل           |
| Nationality                              | ملیت                   |
| Nature                                   | ماهیت                  |
| Navigate                                 | دریانوردی              |
| Negotiation                              | مذاکره                 |
| Neutral                                  | بی‌طرف                 |
| Nevertheless                             | با وجود اینکه          |
| Nominated                                | نامزد شده              |
| Nonprocedural                            | ماهوی                  |
| Normally                                 | معمولاً                |
| Norms                                    | قاعده                  |
| Obligation                               | تعهد                   |

|  |                                 |
|--|---------------------------------|
| Observe                                  | احترام گذاشتن                   |
| Occur                                    | اتفاق افتادن                    |
| Offences                                 | جرایم                           |
| Offering                                 | پیشنهاد                         |
| On board                                 | عرشه                            |
| Operating                                | اقدام                           |
| Opinion clause                           | شرط اختیاری                     |
| Order                                    | نظم                             |
| Organization                             | سازمان                          |
| Pact                                     | پیمان                           |
| Parties                                  | طرفین                           |
| Passage                                  | عبور                            |
| Passed                                   | تصویب                           |
| Peace                                    | صلح                             |
| Peaceful                                 | صلح آمیز                        |
| Peacekeeping                             | حافظ صلح                        |
| Peremptory                               | غیرقابل انکار                   |
| Permanent                                | دائمی                           |
| Permanent court of International justice | دیوان دائمی دادگستری بین المللی |
| Persona non grata                        | عنصر نامطلوب                    |
| Persuade                                 | تعقیب کردن                      |
| Persuasive                               | متقاعدکننده                     |
| Phrase                                   | عبارت                           |
| Piracy                                   | دزدی دریایی                     |
| Pirate                                   | دزد دریایی                      |
| Political                                | سیاسی                           |
| Port                                     | بندر                            |
| Precedent                                | رویه قضایی                      |
| Prejudice                                | لطمه                            |
| Prepares                                 | آماده کردن                      |
| President                                | رئیس                            |
| Principle                                | اصل                             |
| Prior to                                 | سابق بر این                     |
| Private International law                | حقوق بین الملل خصوصی            |
| Procedural                               | شکلی                            |
| Proceeding                               | رسیدگی                          |
| Progressive                              | مأموریت                         |
| Prohibiting                              | ممانعت                          |

|                         |                 |
|-------------------------|-----------------|
| Promoting               | ترویج           |
| Proposal                | طرح مسأله       |
| Prorogated jurisdiction | صلاحیت ضمنی     |
| prosecution             | تعقیب           |
| Provide                 | مقرر داشتن      |
| Provide                 | منوط به         |
| Provisions              | مقررات          |
| Pursued                 | تحت تعقیب       |
| Pursuit                 | تعقیب           |
| Racial                  | نژادی           |
| Rape                    | تجاوز به عنف    |
| Ratifying               | تنفیذ           |
| Ratio decidendis        | منطق، حکم       |
| Reach                   | اتخاذ کردن      |
| Reasonable              | معقول           |
| Recalk                  | فراخواندن       |
| Receiving state         | دولت پذیرنده    |
| Recognition             | شناسایی         |
| Recognize               | به رسمیت شناختن |
| Recommendation          | توصیه           |
| Record                  | ثبت کردن        |
| Refer to                | اشاره کردن      |
| Refuse to agree         | مخالفت کردن     |
| Refuse                  | خودداری کردن    |
| Regardless              | صرف نظر از      |
| Regional                | منطقه‌ای        |
| Regulate                | تنظیم کردن      |
| Regulated               | تدوین شده       |
| Relations               | روابط           |
| Relations               | حل مسأله        |
| Religious               | مذهبی           |
| Remains                 | باقی مانده      |
| Render                  | موجب شدن        |
| Replace                 | جایگزین کردن    |
| Report                  | گزارش           |
| Representative          | نماینده         |
| Require                 | ملزم کردن       |
| Resevation              | حق شرط          |

|                      |               |
|----------------------|---------------|
| Resolution           | قطعنامه       |
| Resolve              | حل کردن       |
| Resort               | ارجاع         |
| Resource             | منبع          |
| Result               | نتیجه         |
| Revenge              | انتقام        |
| River                | رودخانه       |
| Roadstead            | اسکله         |
| Robbery              | سرقت مسلحانه  |
| Rule                 | قاعده         |
| Seaabed              | بستر دریا     |
| Secretariate         | دبیرخانه      |
| Security             | امنیت         |
| Security Council     | شورای امنیت   |
| Seek to              | در جستجو      |
| Sensitive areas      | مناطق حساس    |
| Separation of powers | تفکیک قوا     |
| Serious              | مهم           |
| Serves               | خدمت کردن     |
| Session              | نشست          |
| Set up               | ایجاد شده     |
| Settlement           | حل و فصل      |
| Ship                 | کشتی          |
| Signing              | امضا          |
| Slavery              | برده‌داری     |
| Social Council       | شورای اجتماعی |
| Solving              | حل            |
| Source               | منبع          |
| Sovereign state      | دولت حاکم     |
| Sovereignty          | حاکمیت        |
| Space                | فضا           |
| Specialized          | تخصصی         |
| Sphere               | منظر          |
| Standing             | ثابت          |
| Statehood            | دولت بودن     |
| State                | دولت          |
| Statute              | اساسنامه      |
| Submarine            | زیردریایی     |

|                              |                        |
|------------------------------|------------------------|
| Subsequent                   | بعدی                   |
| Subsidiary                   | فرعی                   |
| Subsoil                      | زیر بستر دریا          |
| Substantive                  | جایگزین، ماهوی         |
| Succession                   | جانشین                 |
| Suggestions                  | پیشنهادات              |
| Supervening                  | به یکباره اتفاق افتادن |
| Surface                      | سطح                    |
| Take measures                | اقداماتی انجام دهد     |
| Take place                   | اتفاق افتادن           |
| Temporary                    | موقتی                  |
| Terminat                     | خاتمه دادن             |
| Territorial entity           | پدیده‌های سرزمینی      |
| Territorial water            | آب‌های سرزمینی         |
| Territory                    | سرزمینی                |
| The principle of reciprocity | اصل عمل متقابل         |
| Thereby                      | در نتیجه               |
| Third party                  | شخص ثالث               |
| Threatening                  | تهدیدآمیز              |
| Thus                         | بنابراین               |
| To disappear                 | ناپدید شدن             |
| To tray                      | محاكمه کردن            |
| Torture                      | شکنجه                  |
| Towards                      | نسبت به                |
| Transfer                     | انتقال                 |
| Treatment                    | رفتار                  |
| Treaty                       | معاهده                 |
| Tribunal                     | دیوان                  |
| Tried                        | محاكمه شدن             |
| Unacceptabel                 | نامطلوب                |
| Under                        | زیر                    |
| Unilateral statement         | بیانیه‌ی یک جانبه      |
| Uninterrupted                | پیوسته                 |
| Upon                         | براساس                 |
| Usage                        | عملکرد                 |
| Various                      | مختلف                  |
| Vessel                       | کشتی                   |
| Violated                     | نقض شده                |

|                |              |
|----------------|--------------|
| Violence       | خشونت‌وار    |
| Void           | باطل         |
| War            | جنگ          |
| Warship        | کشتی جنگی    |
| Widespread     | گسترده       |
| Willing        | تمایل داشتن  |
| With regard to | در ارتباط با |
| Within         | در حوزه      |
| Zone           | منطقه        |

مؤسسه فرهنگی طرح نوین اندیشه



**PASSAGE:**

A source of international law is where an international decision maker researcher looks to verify the substantive legal rule governing a legal dispute or academic discourse. The source of international law applied by the community of nations to find the content of international law are listed under Article ۳۸, ۱ of the Statute of the International Court of Justice: Treaties, international customs, and general principles are stated as the three primary sources; and judicial decisions and scholarly writings are expressly designated as the subsidiary sources of international law. Many scholars agree that the fact that the sources are arranged sequentially in the Article ۳۸ of the ICJ Statute suggest an implicit hierarchy of sources. However, here is no concrete evidence, in the decisions of the international courts and tribunals to support such strict hierarchy, at least when it is about choosing international customs and treaties. In additions, unlike the Article ۲۱ of the Rome Statute of the International Criminal Court, which clearly defines hierarchy of applicable law (or sources of international law), the language of the Article ۳۸ do not explicitly support hierarchy of sources.

The sources have been influenced by a range of political and legal theories During the ۲۰<sup>th</sup> century. It was recognized by legal positivists that a sovereign state could limit its authority to act by consenting to an agreement according to the principle pacta sunt servanda. This consensual view of international law was reflected in the ۱۹۲۰ statute of the Permanent Court of International Justice, which was succeeded by the United Nations Charter and is preserved in the United Nations Article ۷ of the ۱۹۴۶ Statute of the International Court of Justice.

**۱- What does the passage mainly discuss?**

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| ۱) International Courts and Tribunals | ۲) Sources of International Law       |
| ۳) International Court of Justice     | ۴) International Customs and Treaties |

**۲- According to the State of the International Court of Justice; treaties, international customs, and general principles are regarded as the ..... sources of international law.**

- |              |                  |               |              |
|--------------|------------------|---------------|--------------|
| ۱) principle | ۲) supplementary | ۳) peripheral | ۴) auxiliary |
|--------------|------------------|---------------|--------------|

**۳- The State of the International Court of Justice has regarded ..... as the secondary of international law.**

- |                            |  |
|----------------------------|--|
| ۱) treaties and agreements | ۲) international customs               |
| ۳) judicial decisions      | ۴) scholarly writings and publications |

**۴- According to the author, the Article ۳۸ of the ICJ Statute ..... .**

- ۱) does not prefer some sources to others
- ۲) supports an implicit hierarchy of sources
- ۳) prefers some sources to others
- ۴) does not support an implicit hierarchy of sources

**۵- One can infer from the passage that the Article ۲۱ of the Rome Statute of the International Criminal law ..... .**

- ۱) clearly considers customs and treaties to be equal in importance
- ۲) implicitly supports hierarchy of sources of international law
- ۳) explicitly supports hierarchy of sources of international law
- ۴) obviously considers customs and treaties to be identical in importance



# Public Law

مؤسسه فرهنگی طرح نوین اندیشه

**Public law** the part of the law that deals with the constitution and functions of the organs of central and local government, the relationship between individuals and the state, and relationships between individuals that are of direct concern to the state. It includes constitutional law, administrative law, tax law, and criminal law. Compare PRIVATE LAW.

**Sovereignty** n. Supreme authority in a state. In any state sovereignty is vested in the institution. Person, or body having the ultimate authority to impose law on everyone else in the state and the power to alter any pre-existing law. How and by whom the authority is exercised varies according to the political nature of the state. In many countries the executive, legislative, and judicial powers of sovereignty are exercised by different bodies. One of these bodies may in fact retain sovereignty by having ultimate control over the others. But in some countries, such as the USA, the powers are carefully balanced by a constitution. In the UK sovereignty is vested in Parliament.

In international law, it is an essential aspect of sovereignty that all states should have supreme control over their internal affairs, subject to the recognized limitations imposed by international law. These limitations include, in particular, the international law of \*human rights and the rules forbidding the use of force. However, no state or international organization may intervene in matters that fall within the domestic jurisdiction of another state. The concept of state sovereignty was outlined, among other things, in a declaration of Principles of International Law outlined, among other things, in a declaration on principles of International Law (Resolution ۲۶۵۲) proclaimed by the General Assembly of the United Nations in ۱۹۷۰.

**Constitution** n. The rules and practices that determine the composition and functions of the organs of central and local government in a state and regulate the relationship between the individual and the state. Most states have a written constitution, one of the fundamental provisions of which is that can itself be amended only in accordance with a special procedure. The constitution of the UK is largely unwritten. It consists partly of statutes, for the amendment of which by subsequent statutes no special procedure is required, but also, to a very significant extent, of \* common law rules and \*constitutional conventions.

**Constitutional Conventions** Practices relating to the exercise of their functions by the Crown. The government, Parliament, and the judiciary that are not legally enforceable but are commonly followed as if they were.

**Administrative law** The branch of \*public law governing the exercise of powers power by \* judicial review and by non – judicial mechanisms such as individual and collective \*ministerial responsibility, and the work of the \*Parliamentary Ombudsman, the \*Commissions for Local Administration, and other Commissioners or Ombudsmen. There is no universally accepted demarcation of the area of administrative law, but it conventionally includes the exercise of power by central and local government, planning, housing, social security, education immigration, and tribunals and inquiries.

**Separation of powers** The doctrine that liberty of the individual is secure only if three primary factions of the state (legislative, executive, and judicial) are exercised by distinct and independent organs. It was propounded by Montesquieu (De l'Esprit des Lois, ۱۷۴۸), who

regarded it as a feature of the UK constitution. In fact, however, while the judiciary is largely independent, the legislature and the executive depend on one another and their members overlap. The doctrine had a great influence over the form adopted the constitution of the USA and many other countries.

**Byelaw** n. A form of delegated legislation, made principally by local authorities. District and London borough councils have general powers to make byelaws for the good rule and government of their areas and all local authorities have powers to make them on wide range of specific matters (e.g. public health). Certain public corporations (such as the British Airports Authority) also make byelaws for the regulation of their understand. A statutory to make byelaws includes a power to rescind, revoke, amend, or vary them. By contrast with most other forms of delegated legislation, byelaws are not subject to any form parliamentary control but take effect if confirmed by a government minister. It is common for central government to prepare draft byelaws that may be made by such authorities as choose to do so. Byelaws are, however, subject to judicial control by means of the doctrine of \* ultra vires.

**Legislation** n. ١. The whole or any part of a county's written law. In the UK the term is normally confined to \*Acts of Parliament, but in its broadest wanes it also includes law made under powers conferred by Act of Parliament (See DELEGATED LEGISLATIONS). ٢. The process of making written law.

**Franchise** n. ١. (in constitutions law) A special right conferred by the Crown on a subject. Also known as a liberty, it is exemplified by the right to hold a marker or fair or to run a ferry.

٢. (in constitutions law) The right to vote at an \* election.

**Estoppel** n. [from Norman French estouper, to stop up] A rule of evidence or a rule of law that prevents a person from denying the truth of a statement he has made or from denying the existence of facts that he has alleged to exist.

## Public Law

|                         |                         |                              |                        |
|-------------------------|-------------------------|------------------------------|------------------------|
| Separation              | تفکیک قوا               | Lex et consuetude parliament | قانون و عرف پارلمان    |
| executive               | قوه مجریه               | Struggle for power           | مبارزه بر سر قدرت      |
| despotic                | مستبد، ستمگر            | Unitary state                | دولت یکپارچه           |
| Compel                  | مجبور کردن              | Central government           | دولت مرکزی             |
| Appoint                 | منصوب کردن              | Quasi-federal                | شعبه فدرال             |
| House of representative | مجلس نمایندگان          | Pervasive                    | خودسر                  |
| Encroachment            | تجاوز، دست اندازی       | Associate with               | مرتبط بودن             |
| appoint                 | نصب کردن                | Judicial                     | قوه قضائیه             |
| Broadest sense          | معنای موسع              | Administer                   | اجرا کردن              |
| Divine                  | دارای منشأ الهی         | Initiate                     | آغاز کردن، ابتکار کردن |
| Immutable               | غیر قابل تغییر          | Adverse vote                 | رای مخالف، استیضاح     |
| Dominant thought        | تصور غالب               | Prerogative                  | حق مخصوص، امتیاز مخصوص |
| Ascertain               | تحقق کردن، معین کردن    | Mercy                        | عفو، بخشش              |
| Founder                 | فرو ریختن، از هم پاشیدن | Organized group              | گروه سازمان یافته      |
| Reconcile               | آشتی کردن               | Universal                    | جهانی                  |
| Intolerable             | غیر قابل تحمل           | Perverted                    | منحرف                  |
| Disputed cases          | دعاوی مورد اختلاف       | Trade for                    | معامله کردن            |
| Refer                   | اشاره کردن              | Theme                        | موضوع، زمینه           |
| Elaborate               | به زحمت ساختن           | Alienation of domain         | واگذاری سرزمین         |
| antecedent              | پیش از                  | Precisely                    | دقیقاً                 |
| In all probability      | به احتمال زیاد          | Convenient                   | مناسب                  |
| Intelligible            | معقول                   | Declare                      | اعلام کردن             |
| Literal approach        | شیوه تحت الفظی          | propriety                    | بطور اخص               |
| Complex                 | پیچیده                  | Secure office                | بدست آوردن منصب        |
| Evolution               | تحول - تکامل            | Essential                    | اساسی                  |
| Confere ment            | اعطا                    | Unanimous                    | اتفاق نظر              |
| Indication              | نشانه                   | Sanctity                     | تقدس                   |
| Accurate                | دقیق                    | Assemblage                   | مجموعه                 |
| Usurp                   | غصب کردن                | Comprehensive                | جامع                   |
| Requirement             | شروط                    | Attune                       | هماهنگ کردن            |
| Petition                | درخواست                 | Aspiration                   | آمال، آرزو             |
| Liquidation             | فروپاشی                 | Expound                      | تفسیر کردن             |
| Rearrange               | مجدداً تنظیم کردن       | Hostile                      | خصمانه                 |

|                |                       |                 |                  |
|----------------|-----------------------|-----------------|------------------|
| Construe       | تفسیر شدن             | Bicameral       | دارای دو مجلس    |
| Observe        | مشاهده کردن           | Diverge         | فرورفتن، پرداختن |
| Tyranny        | استبداد               | Lapse           | سپری شدن         |
| Corruptly      | با فساد               | Imitative       | تقلیدی           |
| Recommend      | توصیه کردن            | Residual powers | مابقی اختیارات   |
| Senate         | سنا                   | Judicial review | بازبینی قضایی    |
| Ultra vires    | خارج از حدود اختیارات | Legislative     | قوه مقننه        |
| Home secretary | وزیر کشور             | Accumulate      | جمع شدن          |
| Ensure         | تضمین کردن            | Evident         | آشکار            |
| Constitution   | قانون اساسی           | Occur           | بوقوع پیوستن     |
| Expand         | گسترش دادن            | Over-lay        | تداخل            |
| Monarchy       | پادشاهی               | Preside         | ریاست کردن       |
| Obedience      | اطاعت                 | Perform         | اجرا کردن        |
| Secular ruler  | حکمران غیر مذهبی      | dismiss         | اخراج کردن       |

مؤسسه فرهنگی طرح نوین اندیشه

**Passage:**

It has been seen that the essential task of administrative law is to provide a legal control in relation to the exercise of administrative powers conferred on various administrative agencies for all sorts of different purposes. Perhaps the most visible manifestation of this control is an independent judiciary in the shape of the High Court exercising a supervisory role by which it reviews administrative action to ensure that it is not *ultra vires* particular statutory powers or even in excess of prerogative powers. This is the essential character of the subject, but it does not convey the complete picture since administrative law and its rules involve not only a rather negative form of control over the exercise of powers but also a rather more positive aspect. Through involve not only a rather negative form of control over the exercise of powers but also a rather more positive aspect. Through its task of interpreting the scope of statutory and other powers, but any realistic implied powers which may not be spelt out quite so clearly. In this way it is possible to avoid a situation where a statutory scheme in an Act of Parliament becomes unworkable. In addition, there will be occasions where the interpretation of the statutory powers will expedite administration or where technical non-compliance with the statutory requirements will not lead to the action being condemned as *ultra vires*.

**۱- The main goal of the passage is to .....**

- ۱) examine administrative law in perspective
- ۲) examine certain statutory powers *ultra vires*
- ۳) introduce an independent judiciary in the shape of the High Court
- ۴) introduce administrative powers conferred on various administrative agencies

**۲- The supervisory role of the High Court ensures that administrative action be kept within the limits of .....**

- ۱) non-compliance with the statutory requirements
- ۲) both statutory powers and prerogative powers
- ۳) only prerogative powers
- ۴) realistic implied powers

**۳- When would it be possible to avoid a situation in which a statutory scheme in an Act of Parliament becomes impractical?**

- ۱) When the High Court identifies realistic implied powers which are not clearly stated.
- ۲) When the High Court cannot provide a legal control in relation to the exercise of administrative powers.
- ۳) When administrative law cannot provide a legal control in relation to the exercise of administrative powers.
- ۴) When the High Court identifies the express limits of the powers which manifest a rather negative form of control.

**۴- The word "its" in line ۹ refers to .....**

- |                                      |                       |
|--------------------------------------|-----------------------|
| ۱) a rather negative form of control | ۲) administrative law |
| ۳) the exercise of powers            | ۴) the High Court     |

**۵- The word "expedite" in line ۱۵ is closet in meaning to .....**

- |               |              |
|---------------|--------------|
| ۱) accelerate | ۲) stipulate |
| ۳) rescind    | ۴) adjourn   |

**Passage:**

Common law contract lawyers have always taken an interest in parallel developments in other common law jurisdictions, whether the systems started to diverge in ۱۷۸۳ or only in the middle of the twentieth century. The last few years have seen a renaissance in the interest which the contract lawyers of the civil law and common law families have taken in each other's system. This interest has taken two practical forms. In ۱۹۸۰, the international Institute for the Unification of Private Law (Unidroit) set up a working group to prepare a set of principles for international, commercial contracts.

The working group reported in ۱۹۹۴ and its report was accepted by the Governing Council of Unidroit. A second working group, with some changes in membership, produced an enlarged edition which was approved by the Governing Council in ۲۰۰۴. A third working group, again with some changes in membership completed its work in ۲۰۱۰ and this has recently been approved by the Governing Council. The second and third editions have not significantly changed what was agreed in the first edition but has widened the scope of the principles by dealing with further topics. At the same time another group (the Lando Commission) were at work preparing Principles of European Contract Law. There were both important differences and striking similarities between the two projects.

**۱- What is the passage mainly concerned with?**

- ۱) How common law contract laws diverged in ۱۷۸۳
- ۲) Parallel developments in common law contract laws
- ۳) Common law contract lawyers' interest in other common law jurisdictions
- ۴) A rebirth of change in English common law contracts and other common law jurisdictions

**۲- What have we witnessed in the last few years?**

- ۱) The practical forms that resulted in the divergence of the contract law systems
- ۲) The formation of the International Institute for the Unification of Private Law (Unidroit)
- ۳) A renaissance in the interest which parallel developments in other common law jurisdictions have formed
- ۴) A rebirth in the interest which the contract lawyers of the civil law and common law families have taken in taken in each other's systems.

**۳- The word "its" in line ۱۱ refers to .....**

- |                          |                        |
|--------------------------|------------------------|
| ۱) a third working group | ۲) an enlarged edition |
| ۳) the Governing Council | ۴) membership          |

**۴- Which of the following statements true?**

- ۱) The second working group projects was approved by the Governing Council in ۱۹۹۴.
- ۲) The second and third editions have drastically changed what was agreed in the first edition.
- ۳) The Lando Commission responsible for preparing principles of European contract law is more popular than the Governing Council of Unidroit.
- ۴) The second and third editions are more comprehensive than the first edition in terms of the scope of the principles by incorporating further topics.

**۵- The word "striking" in the last sentence is similar in meaning to .....**

- |                  |                |
|------------------|----------------|
| ۱) miscellaneous | ۲) conspicuous |
| ۳) ambiguous     | ۴) meticulous  |



# Contract

مؤسسه فرهنگی طرح نوین اندیشه

**Contract** n. A legally binding agreement. Agreement arises as a result of \*offer and \*acceptance of other requirements must be satisfied for an agreement to be legally binding.

(١) There must be \* consideration (unless the contract is by deed).

(٢) The parties must have an intention to create legal relations. This requirement usually operates to prevent a purely domestic or social agreement from constituting a contract.

(٣) The parties must have \*capacity to contract.

(٤) The agreement must comply with any formal legal requirement. In general, no particular formality is required for the creation of a valid contract. It may be oral, written, or even implied from conduct. Certain transactions are, however, valid only if effected by deed (e.g. transfers in British ships) or in writing (e. g. promissory notes, contracts for the sale of interests in land, and guarantees that can at law only be enforced if evidenced in writing).

(٥) The agreement must be legal.

(٦) The agreement must not be rendered void either by some common – law or statutory rule or by some inherent defect, such as operative mistake.

Certain contracts, though valid, may be liable to be set aside by one of the parties on such grounds as misrepresentation or the exercise of undue influence.

**Offer** n. An indication of willingness to do or refrain from doing something that is capable of being converted by \*acceptance into a legally binding \*contract. It is made by an **offeror** to an **offeree** and is capable of acceptance only by an offeree who knows of its existence. Thus, a person giving information cannot claim a reward if he did not know that a reward was being offered. An offer must be distinguished from an invitation to treat, which is an invitation to others to make offers, as by displaying goods in a shop window. It must also be distinguished from a declaration of intention, which is a mere statement of intent to invite offers in the future, as by advertising an auction.

Acceptance n. Agreement to the terms of an \*offer that, Provided certain other requirements are fulfilled, converts the offer into a legally binding contract. If the method by which acceptance is to be signified is indicated by the offer or, that method alone will be effective (*Holwell Securities Ltd v Hughes* [١٩٧٤] ١ WLR ١٥٥ (CA)). If it is not, acceptance may be either express (by word of mouth or in writing) or inferred from the offeree's conduct: for example, if he receives goods on approval and starts to make use of them, the acceptance must always, however, involve some action on the part of the person to whom the offer was made: the offeror cannot assert that his offer will be treated as accepted unless the offeree rejects it. The validity of an acceptance is governed by four principal rules:

(١) It must take place while the offer is still in force, i. e. before it has lapsed (see LAPSE OF OFFER) or been revoked (see REVOCATION OF OFFER).

(٢) It must be on the same terms as the offer. An acceptance made subject to any variation is treated as a \*counteroffer.

(٣) It must be unconditional, thus an acceptance subject to contract is not a valid acceptance.

(٤) It must be communicated to the offeror. Acceptance by letter is treated as communicated when the letter is posted (*Adams v Lindell* (١٨١٨) ١ B & ALD ٦٨١, ١٠٦ ER ٢٥٠), but telex is equated with the telephone, so that communication takes place only on receipt (*Entores Ltd v Miles Far East Corp* [١٩٥٥] ٢ AB ٣٢٧).

**Consideration** n. An act, forbearance, or promise by one party to a contract that constitutes the price for which he buys the promise of the other. Consideration is essential to validity of any contract other than one made by deed. Without consideration an agreement not made by deed is not binding; it is a nudum pactum (naked agreement), governed by the maxim [ex nudo pacto non oritur action] (a right of action does not arise out of a naked agreement).

The doctrine of consideration is governed by four major principles:

(١) A valuable consideration is required, i. e. the act, forbearance, or promise must have economic value. Good consideration (natural love and affection or a moral duty) is not enough to render promise enforceable.

**Mistake** n. A misunderstanding or erroneous belief about a matter of fact (mistake of fact) or a matter of law (mistake of law). In civil cases, mistake is particularly important in the law of contract. Mistake of law have no effect on the validity of agreements, and neither do many mistakes of fact. When a mistake of fact does do so, it may render the agreement void under common – law rules (in which case it is referred to as an **operative mistake**) or it may make it voidable. When both parties to an agreement are under a misunderstanding, the mistake may be classified as either a **common mistake** (i. e. a single mistake shared by both).

**Misrepresentation** n. An untrue statement of fact, made by one party to the other party to enter into the contract. The person making the misrepresentation is called the **representor**, and the person to whom it is made is the **representee**. A false statement of law, opinion, or intention does not constitute a misrepresentation; non does a statement of fact known by the representee to be untrue. If he is guilty of negligent misrepresentation (i. e. if he believed in his statement but had no reasonable grounds for doing so) the representee was formerly entitled only to rescission but may now (under the Misrepresentation Act ١٩٦٧ or by an action in tort for negligence) also obtain \*damages. If the representor has committed merely an **innocent misrepresentation** (one he reasonably believed to be true) the representee is restricted to rescission. Subject to the discretion of the court under the ١٩٦٧ Act to award him damages in lieu. A representee entitled to rescind a contract for misrepresentation may decide instead to \*affirm it.

**Duress** n. Pressure, especially actual or threatened physical force, put on an person to act in a particular way. Acts carried out under duress usually have no legal effect; for example, a contract obtained by duress is voidable.

**Undue influence** Influence that prevents someone from exercising an independent judgment with respect to any transaction. A contract or gift procured by the exercise of undue influence is liable to be set aside by the courts. A will may likewise be held to be invalid if it is shown that the testator made it under conditions of undue influence. The exercise of undue influence must normally be proved affirmatively – it must be shown that there is a dealing or transaction in which an unfair advantage has been taken of another person. In the case of certain transactions, however, some relationship (for example, between parent and child, husband wife,

doctor and patient, solicitor and client) may be presumed to involve undue influence in the absence of evidence to the contrary.

Bank of Scotland v Etridge (No 2) [2001] UKHL 44, [2001] 3 WLR 1021).

**Remedy (redress, relief)** n. Any of the methods available at law for the enforcement, protection, or recovery of rights or for obtaining redress for their infringement. A civil remedy may be granted by a court to a party to a civil action. It may include the common law remedy of \*damages and/ or the \*equitable remedies of quantum meruit (see QUASI – CONTRACT), \*injunction, decree of \*specific performance, or declaration.

**Restitution** n. The return of property to the owner or person entitled to possession. If one person has unjustifiably received either property or money from another, he has an obligation to restore it to the rightful owner in order that he should not be unjustly enriched or retain an unjustified advantage, this obligation exists when, for example, goods or money have been transferred under compulsion (duress), under mistake, or under a transaction that fails because of illegality, lack of formality, or for any other reason or when the person who has taken the property has acquired a benefit through his actions without justification.

**Specific Performance** A court order to a person to fulfill his obligations under a contract. For example. When contracts have been exchanged for the sale of a house, the court may order a reluctant seller to complete the sale. The remedy is a discretionary one and is not available in certain cases; for example, for the enforcement of a contract of employment or when the payment of damages would be a sufficient remedy.

**Damages** pl n. A sum of money awarded by a court by a court as compensation for a tort or a breach of contract. Damages are usually a \*lump-sum award. The general principle is that the claimant is entitled to full compensation (**restitutio in integrum**) for his losses. **Substantial damages** are given when actual damage has been caused, but **nominal damages** may be given for breach of contract and for some torts (such as trespass) in which no damage has been caused, in order to vindicate the claimant's rights. Damages may be \* aggravated by the circumstances of the wrong. In exceptional cases in tort (but never in contract) \* exemplary damages may be given to punish the defendant's wrongdoing. Damages may be classified as unliquidated or liquidated. **Liquidated damages** are a sum fixed in advance by the parties to a contract as the amount to be paid in the event of a breach. They are recoverable provided that the sum fixed was a fair pre-estimate of the likely consequences of a breach, but not if they were imposed as a \*penalty. **Unliquidated damages** are damages the amount of which is fixed by the court. Damages may also be classified as \*general and special damages.

**Quasi –contract** n. A field of law covering cases in which one person has been unduly enriched at the expense of another and is under an obligation **quasi ex contractu** (as if from a contract) to make restitution to him. In many cases of quasi-contract, the defendant has received the benefit from the claimant may have paid money to him under a mistake of fact, or under a void contract, or may have supplied services under the mistaken belief that he was contractually bound to do so. In that case, he is entitled to be paid a reasonable sum and is said to use on a quantum meruit (as much as he deserved).

**Injunction** n. A remedy in the form of a court \*order addressed to a particular person that either prohibits him from doing or continuing to do a certain act (a **prohibitory injunction**) or orders him to carry out a certain act (a **mandatory injunction**).

**Rescission** The seeing aside of a \*voidable contract, which is thereby treated as if had never existed.

**Frustration of contract** The unforeseen termination of a contract as a result of an event the either renders its performance impossible or illegal or prevents its main purpose from being archived. Frustration would, for example, occur if the goods specified in a sale of goods contract were destroyed (impossibility of performance).

**Bankruptcy** n. The state of a person who has been adjudged by a court to be insolvent. The court orders the compulsory administration of a bankrupt's affairs so that his assets can be fairly distributed among his creditors.

### **Breach of Contract**

**A: Condition** n. a. A major term of a contract. It is frequently described as a term that goes to the root of a contract or is of the essence of a contract; it is contrasted with a warranty, which is a term of minor importance. Breach of a condition constitutes a fundamental breach of the contract and entitles the injured party to treat is as discharged, whereas breach of warranty is remediable only by an action for damages, subject to any country provision in a contract. A condition or a warranty may be either an \*express term or an \*implied term.

**B: Warranty:** A term or promise in a contract, breach of which will entitle the innocent party to damages butnot to treat the contract as discharged.

## Contract law

|                       |                     |                                |                          |
|-----------------------|---------------------|--------------------------------|--------------------------|
| Contract              | قرارداد             | Reward                         | پاداش                    |
| Legally               | قانون               | Invitation                     | دعوت                     |
| Binding               | الزام آور           | Treat                          | رفتار، معامله            |
| Agreement             | توافق               | Mere                           | صرف، ناب                 |
| Offer                 | ایجاب               | Declaration                    | اعلام                    |
| Acceptance            | قبول                | Declaration of intention       | اعلام قصد                |
| Requirement           | ملزومات             | Intention                      | قصد                      |
| Satisfied             | گرد هم آمدن         | Auction                        | حراج                     |
| Consideration         | عوض                 | As by                          | مثل                      |
| Deed                  | سند رسمی            | Terms                          | شروط                     |
| Intention             | قصد                 | Provided                       | (بین جمله) منوط بر اینکه |
| Operate               | عمل کردن            | Fulfilled                      | تکمیل شده                |
| Domestic              | داخلی               | Convert                        | تبدیل کردن               |
| Constituting          | تشکیل دهنده         | Lapsed                         | منقضی شده                |
| Capacity              | اهلیت               | Revoked                        | فسخ شده                  |
| Comply with           | مطابق بودن با       | Variation                      | تنوع                     |
| Implied               | استنباط شده (ضمنی)  | Counteroffer                   | ایجاب متقابل             |
| Transaction           | معامله              | Unconditional = absolute       | غیرمشروط                 |
| Conduct               | رفتار               | Offeror                        | ایجاب دهنده              |
| Promissory note       | سفته                | Offeree                        | ایجاب شونده              |
| Rendered void         | باطل شدن            | Be distinguished               | متمايز شده               |
| Common law            | حقوق عرفی           | Validity                       | اعتبار                   |
| Statutory rule        | قاعده حقوق موضوعه   | Take place = happen            | اتفاق افتادن             |
| Inherent              | ذاتی                | While                          | در حالی که               |
| Defect                | عیب                 | In force                       | لازم الاجرا              |
| Liable to             | در معرض             | Subject to                     | مشروط به                 |
| Set aside             | فسخ                 | Communicate                    | ابلاغ کردن               |
| Ground                | دلیل                | Govern                         | حکومت کردن               |
| Undue influence       | اعمال نفوذ ناروا یک | Forbearance                    | ترک فعل                  |
| Indication            | نشانه               | Promise                        | تعهد                     |
| Willingness           | تمایل               | One party                      | یک طرف                   |
| Refrain               | خودداری             | Constitute                     | تشکیل دادن               |
| Capable               | قابلیت داشتن        | Naked agreement = nudum pactum | عقد غیر معوض             |
| Capable of acceptance | قابل قبول بودن      | Maxim                          | اصل، قاعده               |
| Existence             | وجود                | Doctrine                       | نظریه علما حقوق          |
| Claim                 | ادعا کردن           | Render a promise enforceable   | تعهد الزام آور           |

|                                     |                    |                      |                        |
|-------------------------------------|--------------------|----------------------|------------------------|
| Affection                           | عطوفت              | Procured             | کسب شده                |
| Voidable                            | قابل ابطال         | Set aside            | فسخ شدن                |
| Classified                          | طبقه‌بندی شده      | Like wise            | همچنینی                |
| Common mistake                      | اشتباه مشترک       | Testator             | موصی                   |
| Duress = pressure                   | اکراه، فشار        | Condition            | شرایط                  |
| Erroneous belief = misunderstanding | باور غلط           | Client               | موکل                   |
| Operative mistake                   | اشتباه مؤثر        | Solicitor            | مشاور حقوقی            |
| Matter                              | موضوع              | Be presumed          | فرض شده                |
| Threatened                          | تهدیدآمیز          | Certain              | خاص                    |
| Obtain                              | کسب کردن           | Transaction          | معامله                 |
| Particular                          | خاص                | Evidence             | مدرک دلیل              |
| Major                               | اصلی               | Contrary             | معکوس، مخالف           |
| Principles                          | اصول، قواعد        | Remedy               | جبران خسارت            |
| Misrepresentation                   | توصیف نادرست       | Infringement         | تخلف، تجاوز، نقض قانون |
| Untrue                              | نادرست             | Recovery             | جبران                  |
| Statement                           | بیان               | Rights               | حقوق                   |
| Representor                         | توصیف کننده        | Court                | دادگاه                 |
| Representee                         | توصیف شده          | Restitution          | اعاده به وضع سابق      |
| Guilty                              | بی گناه            | Property             | مال                    |
| Negligent                           | از روی غفلت        | Owner                | مالک                   |
| Reasonable                          | منطقی              | Possession           | تصرف دارایی            |
| Ground                              | دلیل               | Unjustifiably        | به طور غیرموجه         |
| Formerly                            | سابقاً             | Rightful             | حقیقی                  |
| Entitled                            | محق بودن           | Obligation           | تعهد                   |
| Rescission                          | فسخ اثر بطلان دارد | Restore              | برگرداندن              |
| Damages                             | جبران خسارت        | In order that        | چونکه                  |
| Has committed                       | مرتکب شده          | Unjustly             | غیرعادلانه             |
| Merely                              | صرفاً              | Retain               | نگه داشتن              |
| Innocent                            | بی گناه            | Enriched             | دست یافتن              |
| Restricted                          | محدود شده          | Advantage            | مزیت                   |
| Undue influence                     | اعمال نفوذ ناروا   | Fulfill              | به طور کامل            |
| Exercising                          | اعمال              | Exchange             | مبادله کردن            |
| With respect to                     | در خصوص            | Sale                 | فروش                   |
| Judgment                            | تصمیم (قضاوت)      | Reluctant            | بی میل                 |
| Independent                         | مستقل              | Discretionary        | تعزیری                 |
| Transaction                         | معامله             | Specific performance | اجرای خاص              |

|                |                     |                   |                             |
|----------------|---------------------|-------------------|-----------------------------|
| Employment     | استخدام             | Contractually     | به موجب قرارداد             |
| Sufficient     | کافی                | Sue               | تحت تعقیب قراردادن          |
| Available      | در دسترس            | Quantum meruit    | اجرت المثل                  |
| A sum of       | مبلغی               | Injunction        | قراری که دادگاه صادر می کند |
| Awarded        | اعطا شده            | Prohibit          | منع کردن                    |
| Compensation   | غرامت               | Prohibitory       | منع                         |
| Breach         | نقض                 | Mandatory         | دستوری الزامی               |
| Tort           | مسئولیت مدنی        | Discretionary     | بنابر تشخیص                 |
| Lump -sum      | مبلغ مشخص و مقطوع   | Grant             | صدور رأی                    |
| General        | کلی                 | Sufficient        | کافی                        |
| Principal      | اصل                 | Urgently          | فوری                        |
| Claimant       | خواهان              | Temporary         | موقت                        |
| Loss           | خسارت               | Pending           | معلق                        |
| Essential      | اساسی               | Out come          | خروجی                       |
| Nominal        | سوری                | Under take        | متعهد شدن                   |
| Trespass       | تجاوز به حریم دیگری | Main action       | دعوای اصلی                  |
| Vindicate      | استیفا حق           | Injunction        | ختم دادرسی                  |
| Aggravated     | تشدید یافته         | Fails to abide    | سرپیچی کردن                 |
| Circumstances  | اوضاع               | Guilty            | مجرم                        |
| Exeptional     | استثنایی            | Contempt of court | اخلال در نظم دادگاه         |
| Exemplary      | تلویحی عبرت آموز    | Set aside         | فسخ کردن، کنار گذاشتن       |
| Defendant      | خوانده              | Voidable          | قابل ابطال                  |
| Trespass       | تجاوز به حریم دیگری | Thereby           | از طریق آن                  |
| Vindicate      | حمایت و استیفا حق   | Proprietary       | ملکیت                       |
| Circumstance   | اوضاع شرایط         | Minor             | صغیر                        |
| Exemplary      | تلویحی و عبرت آموز  | Repudiation       | رد، انکار                   |
| Liquidated     | معین                | Distinction       | تمایز                       |
| Unliquidated   | نامعین              | In substance      | در اصل                      |
| Breach         | نقض                 | Treat             | تلقی کردن                   |
| General damage | جبران خسارت عام     | Discharged        | خاتمه یافتن                 |
| Quasi contract | شبه قرارداد         | Misleadingly      | به طور گمراه کننده          |
| Unduly         | ناروا               | Retrospectively   | عطف بماسبق                  |
| Obligation     | تعهد                | Restituirion      | اعاده                       |
| Expense        | منفعت               | Unforeseen        | پیش بینی نشده               |
| Have supplied  | ارائه شده           | Termination       | پایان خاتمه                 |
| Bound to       | ملزم بودن           | Insolvent         | معسر                        |
| Mistaken       | اشتباه              | Bankruptcy        | ورشکستگی                    |

|                |             |               |                |
|----------------|-------------|---------------|----------------|
| Affairs        | امور        | Injured party | طرف خسارت دیده |
| Assets         | دارایی      | Remediable    | قابل جبران     |
| Distribute     | تقسیم کردن  | Provision     | مقررات         |
| Creditor       | طلبکاران    | Subject to    | منوط به        |
| Administration | اداره       | Express       | صریح           |
| Compulsory     | اجباری      | Contrary      | مخالف          |
| Is Contrasted  | مغایرت دارد | Warranty      | شرط فرعی       |



مؤسسه فرهنگی طرح نوین اندیشه



# Criminal law

مؤسسه فرهنگی طرح نوین اندیشه

**Crime n.** An act (or sometimes a failure to act) that is deemed by statute or by the common law to be public wrong and is therefore punishable by the state in criminal proceedings. Every crime consists of an \*actus reus accompanied by a specified \*mens rea (unless it is a crime of \*strict liability), and the prosecution must prove these elements of the crime beyond doubt.

**Actus reus** [Latin: a guilty act] The essential conduct element of crime that must be proved to secure a conviction (compare MENS REA).

**Mens rea** [Latin: guilty mind] The state of mind that the prosecution must prove a defendant to have had at the time of committing a crime in order to secure a conviction.

**Murder n.** Unlawful homicide that does not fall into the categories of \*manslaughter or \*infanticide. The mens rea for murder is traditionally known as \*malice aforethought and the punishment (since ۱۹۶۵) is \*life imprisonment. Murder is subject to the special defences of \*diminished responsibility, \*suicide pact, and \*provocation, which serve to reduce the defendant's conviction from murder to voluntary \*manslaughter. Under the Crime (Sentences) Act ۱۹۹۷ a second conviction for attempted murder crimes.

**Diminished responsibility.** An abnormal state of mind.

**Provocation n.** conduct or words causing someone to lose his self-control. Provocation is not recognized as a \*general defence to a criminal charge in English law, though what otherwise would have been murder may be reduced to manslaughter if provocation is shown (it is not, however, a defence to a charge of attempted murder).

**Suicide n.** The act of killing oneself intentionally. Since ۱۹۶۱ suicide itself is not a crime, but there is a special statutory crime (punishable by up to ۱۴ years imprisonment) of aiding, abetting, counseling, or procuring a suicide. In practice very few prosecutions are brought for this offence. Doing nothing to stop someone else from committing suicide is not abetting it, but euthanasia (mercy killing) in the form of giving assistance to the sufferer (rather than actually killing him) may amount to aiding. When two people agree that one of them shall kill the other and then commit suicide (a suicide pact), the one who does the killing is guilty. If he survives, not of murder but of manslaughter.

**Assault n.** An intentional or reckless act that causes someone to be put in fear of immediate physical harm. Actual physical contact is not necessary to constitute an assault (for example, pointing a gun at someone may constitute an assault), but word is often loosely used to include both threatening acts and physical violence (see BATTERY). Assault is a form of \*trespass to the person and a crime as well as a tort.

**Battery n.** The intentional or reckless application of physical force to another person. Common battery is a criminal offence (punishable with a fine and/or six months' imprisonment) as well as a tort, even if no actual harm results. The \*consent of the victim is a defence to common battery. If actual harm does result, however, the consent of the victim will provide a defence only when the injury is inflicted for good reason (e. g. in the course of a sport or medical treatment).

**Robbery n.** The offence using force against any person, or putting them in fear of being subjected to force, in order to commit a theft, either before the theft or during the course of it.

**Theft n.** The dishonest appropriation of property belonging to another with the intention of permanently depriving the other of it.

## Criminal Law

|                   |                                 |               |                        |
|-------------------|---------------------------------|---------------|------------------------|
| lay down          | وضع کردن، مقرر داشتن            | encourage     | تشویق کردن             |
| immoral           | غیراخلاقی                       | attempt       | شروع به جرم            |
| defence           | دفاع                            | acquit        | تبرئه کردن             |
| stood at the time | در آن زمان وجود داشت            | foetus        | جنین                   |
| Exceed            | تجاوز کردن                      | accidental    | اتفاقی                 |
| arrestable        | قابل بازداشت                    | abnormality   | غیرطبیعی بودن          |
| mens rea          | عنصر معنوی                      | suicide       | خودکشی                 |
| desire            | تمایل، قصد                      | injurious     | آسیب رساندن            |
| existing          | موجود                           | murder        | قتل                    |
| reasonable person | فرد معقول                       | penalty       | مجازات                 |
| Strict liability  | مسئولیت بدون نیاز به عنصر معنوی | subordinate   | فرعی                   |
| license           | مجوز                            | stipendiary   | موظف، حقوق بگیر        |
| Fineable          | قابل جریمه                      | Warrant       | قرار                   |
| irrerbutable      | غیرقابل رد                      | Willed        | ارادی                  |
| Felony            | جنایت                           | vicarious     | نیابتی                 |
| duress            | اکراه                           | forseight     | پیش‌بینی               |
| Knowledge         | اطلاع                           | Obvious       | آشکار                  |
| Automotism        | اعمال غیرارادی                  | careless      | بی احتیاطی             |
| Ignorance         | جهل، بی‌اطلاعی                  | Implication   | ضمنی                   |
| Defect            | نقصان                           | Delegate      | نماینده‌گی دادن        |
| Indecent          | وقیحانه                         | Exemption     | معافیت                 |
| Necessity         | ضرورت                           | Presumption   | فرض                    |
| compulsion        | اجبار، اکراه                    | misdemeanour  | جناحه                  |
| Counsel           | مشاوره دادن                     | Negligence    | تقصیر، مسامحه          |
| Facilitate        | تسهیل                           | Due diligence | دقت کافی               |
| Prior fault       | تقصیر قبلی                      | Construe      | تفسیر کردن             |
| Theft             | سرقت                            | Employer      | کارفرما                |
| Realization       | تشخیص                           | Sovereign     | حاکم                   |
| Constable         | پلیس                            | Discretion    | صلاح‌دید، تشخیص        |
| Jury              | هیأت منصفه                      | Accessory     | معاون، تابع            |
| Superior order    | امر آمر                         | procure       | تحصیل کردن، بدست آوردن |
| Conspiracy        | تبانی برای ارتکاب جرم           | Commission    | ارتکاب                 |
| Sufficient        | کافی                            | Self-induced  | خودخواسته              |
| Sound memory      | حافظه سالم                      | Bigamy        | چند همسری              |
| Corpse            | جسد                             | Drugs         | مواد مخدر              |

|                           |                    |                   |                         |
|---------------------------|--------------------|-------------------|-------------------------|
| Mitigate                  | تخفیف دادن         | Rape              | تجاوز جنسی              |
| Induce                    | وادار کردن         | Left to           | واگذار شدن              |
| Excersive                 | بیش از حد          | Incholate         | نیمه تمام، ناقص         |
| warrant                   | قرار، قرار بازداشت | defraud           | کلاهبرداری تقلب         |
| Involuntary manslaughter  | قتل غیر عمد        | Proximate         | قریب                    |
| Homicide                  | قتل                | Discretion        | صلاحدید، تشخیص          |
| Empower                   | اجازه دادن         | Substantial       | عمده                    |
| Triable                   | قابل محاکمه        | Provocation       | تحریک                   |
| Fixed penalty             | مجازات ثابت        | Inherent          | ذاتی، درونی             |
| Surrounding circumstances | اوضاع و احوال حاکم | Disregard         | بی توجهی                |
| Intention                 | قصد                | Deal with         | پرداختن                 |
| recklessness              | بی احتیاطی         | assault           | حمله                    |
| bylaw                     | آیین نامه          | Grievous          | شدید                    |
| Treason                   | خیانت              | Diminished        | کم شدن                  |
| Actus reus                | عنصر مادی          | Impair            | آسیب رساندن             |
| Omission                  | ترک فعل            | Deserve           | مستحق بودن              |
| Recklessness              | بی احتیاطی         | Indecency         | بی حیایی، گستاخی        |
| Ignore                    | بی توجهی کردن      | Benefit           | سود، منفعت              |
| Measure up                | مناسب بودن         | Server            | جدا کردن                |
| Description               | توصیف              | Tame              | رام کردن                |
| pollution                 | آلودگی             | vehicle           | وسیله نقلیه             |
| Alter ego                 | شخصیت ثانوی        | conveyance        | وسیله نقلیه             |
| Ambassador                | سفیر               | Pecuniary         | پولی، نقدی              |
| abolish                   | نسخ کردن           | Suppression       | کتمان                   |
| Principal                 | فاعل، جرم، اصیل    | Menace            | تهدید                   |
| instigation               | تحریک              | retention         | ضبط، نگهداری            |
| Agreed purpose            | هدف مورد توافق     | Pay for           | پرداختن                 |
| Disease                   | بیماری             | Default           | خودداری از پرداخت، قصور |
| Insanity                  | جنون               | Make off          | ترک کردن با عجله        |
| Nagate                    | منتفی کردن         | Forgery           | جعل                     |
| Ingest                    | مصرف کردن          | To domicile       | اقامت داشتن             |
| Coercion                  | اکراه              | Impede            | ممانعت ایجاد کردن       |
| Incitement                | تحریک              | Telecommunication | ارتباطات راه دور        |
| Outrage                   | تخصی، قانون شکنی   | Appropriate       | ضبط کردن، تخصیص دادن    |
| Burden of proof           | بار اثبات دعوا     | Deal with         | معامله کردن             |

|               |                           |                |                      |
|---------------|---------------------------|----------------|----------------------|
| Malice        | سوء نیت                   | tenant         | مستأجر               |
| Abandon       | رها کردن                  | Exemption      | معافیت               |
| Vessel        | کشتی                      | Endanger       | بخاطر انداختن        |
| Abstract      | استفاده غیرقانونی، اختلاس | Harassment     | آزاد، اذیت           |
| Accounting    | حسابداری، محاسبه          | Concentration  | تمرکز، غلظت          |
| Will          | وصیت‌نامه                 | Secure         | بدست آوردن           |
| Proper        | مناسب                     | Gain           | کسب کردن، بدست آوردن |
| Disposal      | در اختیار داشتن           | Shop assistant | شاگرد مغازه          |
| Creditor      | بستانکار                  | Grow wild      | به صورت وحشی روئیدن  |
| Aggravated    | مشدد                      | Penalty        | مجازات               |
| Misuse        | استفاده نادرست            | rape           | تجاوز جنسی           |
| Inconsiderate | سهل‌انگاری، بی‌مبالاتی    | Permanently    | به طور دائم          |
| Apprehension  | توقیف                     | Mislead        | گمراه کردن           |
| Deprive       | محروم کردن                | Unwarrant      | بدون مبنا و اساس     |
| fixture       | وسایل ثابت، استحکامات     | assist         | کمک کردن             |
| structure     | ساختار                    | Confer         | اعطا کردن            |
| Take step     | اقدام کردن                | payment        | پرداخت               |
| Trespass      | تجاوز به ملک              | Abatement      | کاهش، تخفیف          |
| Divert        | برگردان، منحرف کردن       | Arson          | آتش زدن              |
| Deface        | صورت ظاهری را تغییر دادن  | Bigamy         | چند همسری            |
| Blackmail     | اخاذی                     | Prescribed     | مقرر                 |
| Demand        | تقاضا                     | data           | داده‌ها، اطلاعات     |
| induce        | ترغیب کردن                |                |                      |
| remission     | بخشودگی                   |                |                      |

**PASSAGE ۱:**

Criminal law is the body of law that defines criminal offences and the penalties for convicted offenders. Apprehending, charging, and trying suspected offenders is regulated by the law of criminal procedure. In every jurisdiction, a crime is committed where two elements are fulfilled. First, the criminal must have the requisite malicious intent to do a criminal act, or mens rea (guilty mind) Second, he must commit the criminal act, or actus reus (guilty act). Examples of different kinds of crime include murder, assault, fraud or theft. In exceptional circumstances, defences can exist to some crime, such as killing in self defence, or pleading insanity. Another tested a defence of "necessity". They *Mignotte*, sailing from Southampton to Sydney, sank. Three crew members and a cabin boy were stranded on a raft. They were starving and the cabin boy close to death. Driven to extreme hunger, the crew killed and ate the cabin boy. The crew survived and were rescued, but put on trial for murder. They argued it was necessary to kill the cabin boy "to preserve one's life is generally speaking a duty, but it may be the plainest and the highest to sacrifice it".

**۱. Criminal law is the ..... for convicted offenders.**

- ۱) large collection of law that describes crimes and punishments
- ۲) small collection of law which characterizes crimes and penalties
- ۳) organization of law which explains wrong – doings and punishments
- ۴) association of law that identifies wrong – doing and penalties

**۲- Which of the following is NOT controlled by the law of criminal procedure?**

- ۱) Accusing suspicious criminal
- ۲) Arresting suspected wrong – doers
- ۳) Attempting to talk to suspected
- ۴) Judging suspicious wrong – doers in a court of law

**۳- According to the passage, example of various type of crime include deceptions, stealing,**

..... .

- ۱) fraud or theft
- ۲) killing or attack
- ۳) murder or deceit
- ۴) robbery or assault

**۴- Defences can exist to some crimes in ..... such as killing in self defence, or pleading insanity.**

- ۱) outstanding details
- ۲) notable elements
- ۳) marvelous incidents
- ۴) extraordinary conditions

**۵- In the ۱۹<sup>th</sup> century English case of *RV. Dudley and Stephens*, Lord Coleridge .....**

- ۱) declared great objection
- ۲) announced extreme pleasure
- ۳) declared great satisfaction
- ۴) announced extreme disappointment

## Synonym

|  |  |
|--|--|
| A party who relies on a breach of contract<br>innocent party                             | شخصی که به نقض قرارداد استناد می کند.                      |
| Abandoned<br>leave   | اعراض شده؛ رها شده   |
| Absolute<br>comprehensive; thorough; unconditional;<br>unqualified                       | مطلق، کامل   |
| Accord<br>endow  | سازگار بودن، جاری بودن، دادن، اعطا کردن،<br>به عمل آوردن   |
| Accurate<br>precise  | دقیق   |
| Acknowledged<br>admitted; adopted  | پذیرفته شده، تصدیق شده                                     |
| Actually<br>de facto; in fact; in practice; practically                                  | به طور واقعی، در واقع، واقعاً عملاً در عمل                 |
| Administrative law<br>law concerned with the executive authority                         | حقوق اداری   |
| Adversary<br>in contrast; vice versa   | برعکس، دشمن، رقیب، مخالف                                   |
| Against<br>versus  | در مقابل، علیه   |
| Aggression<br>attack; assault; invasion  | تجاوز، ستیزه جویی  |
| Agree<br>accede; accept; acknowledge; admit; adopt;<br>approve; assume; embrace; concede | پذیرفتن، قبول کردن، توافق کردن، موافقت کردن، موافق<br>بودن |

|  |  |
|--|--|
| Agreements must be observed<br>pacta sunt servanda   | قراردادها باید رعایت شوند                                      |
| Alienable<br>transferable  | قابل انتقال، قابل واگذاری                                      |
| Alter<br>amend; change   | اصلاح کردن، تغییر دادن، تغییر کردن، عوض کردن                   |
| Amend<br>alter; change   | تغییر دادن، اصلاح کردن   |
| Annulment<br>rescission  | ابطال  |
| Antecedent to<br>prior to  | مقدم بر  |
| Apparently<br>clearly  | ظاهراً، از قرار معلوم  |
| Applicant<br>claimant; plaintiff; petitioner   | خواهان   |
| Apprehension<br>apprehending; arrest; arresting;<br>attachment;<br>detention; commitment; custody; seizing | توقیف، دستگیری   |
| Arbitrary<br>unauthorized  | خودسرانه   |
| Arising<br>resulting from  | ناشی از  |
| As<br>like, similar to   | مثل، مانند، شبیه، به عنوان                                     |
| As a result<br>consequently  | در نتیجه   |
| Assume<br>accede; acknowledge; admit; adopt; agree;<br>deem;<br>embrace; postulate; presume; undertake     | عهده‌دار بودن، برعهده گرفتن، به خود گرفتن، فرض کردن، قبول کردن |

|   |   |
|---|---|
| Attack  | حمله، حمله کردن، مورد انتقاد قرار دادن      |
| aggression; assault   |   |
| Awareness   | آگاهی                                       |
| knowledge   |   |
| Basically   | اساساً                                      |
| substantially   |   |
| Binding   | الزام‌آور                                   |
| not optional; obligatory                                      |   |
| Bring a case / claim  | اقامه کردن دعوا، طرح کردن دعوا              |
| arise a case/ a claim / a petition/ a suit/ an action         |   |
| Bypass  | نادیده گرفتن                                |
| ignore  |   |
| Cancel the contract   | فسخ کردن قرارداد                            |
| rescind the contract; terminate the contract                  |   |
| Canon law   | قوانین شرع، حقوق مذهبی [در مسیحیت] حقوق شرع |
| Christian religious law; ecclesiastical law;<br>religious law |   |
| Capable   | توانایی                                     |
| ability   |   |
| Carefully   | دقیقاً، به دقت                              |
| precisely   |   |
| Change  | تغییر، تغییر دادن، تغییر پیدا کردن          |
| alter; alteration; vary                                       |   |
| Choice  | انتخاب، حق انتخاب                           |
| appointment; option   |   |
| Civil law   | حقوق مدنی، حقوق نوشته (شده)، حقوق مدون      |
| ius civilie; private law                                      |   |
| Civil wrong   | خطای مدنی                                   |
| tort  |   |

|  |  |
|--|--|
| Combat<br>battle; engagement; warfare  | نبرد، جنگ، مبارزه کردن   |
| Common law<br>case law; customary law; ius commune;<br>judicial decision     | کامن لا، حقوق عرفی   |
| Complete<br>absolute; comprehensive  | تکمیل کردن، کامل کردن، کامل  |
| Completely<br>entirely; highly; strictly                                     | کاملاً   |
| Conditions<br>circumstances; status  | شرایط  |
| Conduct<br>act, behavior; carry out; condition; execute;<br>exercise; fulfil | رفتار، اعمال، اداره کردن، اجرا کردن، هدایت کردن، صورت گرفتن            |
| Consensus ad idem<br>meeting of minds  | تلافی افکار، توافق در مورد همان موضوع، توافق در مورد موضوع معین        |
| Consent<br>assent; pleasure; satisfaction                                    | رضایت، رضایت دادن  |
| Constant<br>permanent  | دائمی، ثابت  |
| Constitute<br>amount to; establish; form; institute                          | ایجاد کردن، تأسیس کردن، محسوب شدن، موجب شدن، تشکیل دادن، متشکل بودن از |
| Construction<br>framework; development                                       | احداث، ساخت، ساختار  |
| Consult<br>advise, counsel   | مشورت کردن   |
| Contain<br>comprise, include; purport  | دارا بودن، شامل بودن، حاوی بودن، گنجانیدن                              |
| Contract by parol<br>oral contract   | قرارداد شفاهی  |

|   |  |
|---|--|
| Contradiction<br>conflict; disagreement                   | تعارض، تضاد، تناقض                       |
| Contradictory to<br>incompatible with                     | مغایر با                                 |
| Conventional<br>customary; old; traditional               | قراردادی، معاهده‌ای، عرفی، سنتی، غیررسمی |
| Conversely<br>contrary to; in contrast                    | برعکس                                    |
| Convey<br>assert, devise, set forth; state                | بیان کردن، فهماندن، منتقل کردن           |
| Convincing<br>compelling; satisfying                      | متقاعدکننده                              |
| Coordinate<br>harmonize                                   | هماهنگ کردن                              |
| Count<br>enumerate  | مهم تلقی کردن، بر شمردن                  |
| Counter with<br>oppose                                    | مخالفت کردن با                           |
| Court<br>tribunal   | دادگاه، دیوان                            |
| Criminal liability<br>criminal responsibility             | مسئولیت کیفری                            |
| Criminals<br>culprits; offenders; wrong –doers            | جنایتکاران، مجرمین                       |
| Custody<br>apprehending; commitment                       | بازداشت، توقیف، حفاظت                    |
| Customary<br>conventional                                 | عرفی، مرسوم                              |
| Customary law<br>case law; common law; judicial; decision | حقوق عرفی                                |

|  |   |
|--|---|
| <p>Damages</p> <p>compensation; recovery; damage; redress; relief; relieve; remedy; reparation</p> | جبران خسارت   |
| <p>Danger</p> <p>risk, threat</p>  | خطر   |
| <p>Data</p> <p>information</p>   | داده، داده‌ها، اطلاعات  |
| <p>De facto</p> <p>actually; in practice; practically</p>  | عملاً، بالفعل   |
| <p>Dealing</p> <p>bargain; relation; transaction</p>   | معامله، رابطه   |
| <p>Decisions</p> <p>judgments; procedures; resolutions</p>   | تصمیمات، آراء احکام   |
| <p>Decrease</p> <p>mitigate; reduce</p>  | کاهش دادن   |
| <p>Defamation</p> <p>libel; slander</p>  | هتک حرمت، افترا (بطور عام)                                    |
| <p>Defendant</p> <p>accused; charged; respondent</p>   | خوانده (در مسائل حقوقی و مدنی)، مدعی علیه، متهم (در حقوق جزا) |
| <p>Delegate</p> <p>representative</p>  | نماینده   |
| <p>Demand</p> <p>ask, request</p>  | درخواست کردن  |
| <p>Determine</p> <p>define; fix; set out; specify</p>  | مشخص کردن، تعیین کردن   |
| <p>Deterrent</p> <p>exemplary</p>  | بازدارنده   |
| <p>Diligently</p> <p>accurately</p>  | به طور دقیق   |

|  |                                |
|--|--------------------------------|
| Discharged from<br>release from              | معاف شدن از                    |
| Disposal<br>assignment; cession; disposition | اتلاف، انتقال                  |
| Distinct<br>separate                         | متمایز، تمایز، مجزا            |
| Document<br>deed; instrument                 | سند                            |
| Dominate<br>govern; prevail                  | تسلط یافتن، حاکم بودن          |
| Due to<br>as a result of                     | به دلیل، در نتیجه، ناشی از     |
| Easily<br>readily; simply                    | به آسانی                       |
| Effort<br>attempt; try                       | تلاش، مساعی                    |
| Elapse<br>expire                             | منقضی شدن                      |
| Electorate<br>voters                         | رأی دهندگان                    |
| Emergency<br>extraordinary                   | وضعیت اضطراری، بحرانی، اضطراری |
| Emphasize<br>focus; highlight; Lay stress on | تأکید کردن بر                  |
| Empower<br>allow; let; make; tolerate        | اختیار دادن، اجازه دادن        |
| Enact<br>approve                             | وضع کردن، تصویب کردن           |

|  |   |
|--|---|
| Entirely<br>completely   | کلاً، کاملاً                                      |
| Equity<br>fairness   | انصاف   |
| Essential change in the conditions<br>fundamental change of circumstances; rebus<br>sic stantibus; substantial change in the<br>conditions | تغییر اساسی در شرایط، تغییر بنیادین اوضاع و احوال |
| Essentially<br>necessarily   | ضرورتاً، برحسب ضرورت                              |
| Evident<br>clear; obvious  | معلوم، مشخص، روشن، واضح، آشکار                    |
| Exceptional<br>extraordinary   | استثنایی  |
| Exclusion<br>exemption   | استثناء کننده، معاف کننده                         |
| Excuse<br>discharged; exempt   | عذر، رافع مسئولیت، معاف ساختن                     |
| Exempt<br>discharge; excuse; release   | معاف کردن، ساختن                                  |
| Expensive<br>costly  | گران  |
| Expressly<br>clearly; explicitly; obviously  | بطور صریح، صریحاً صراحتاً                         |
| Fairness<br>equity   | انصاف، عدالت                                      |
| Focus<br>emphasize   | متمرکز بودن، تمرکز کردن، تأکید کردن               |
| Forbearance<br>failure to act, omission  | ترک فعل، خودداری، چشم‌پوشی                        |
| Forum<br>Place; position   | مجمع  |
| Fraud<br>deceit; deception; defraud  | کلاهبرداری  |

|   |                          |
|---|--------------------------|
| Fundamental<br>essential; necessary                         | اساسی، ضروری، لازم       |
| Genocide<br>extermination of a large group of people        | نسل‌کشی                  |
| Give<br>grant   | دادن، اعطا کردن          |
| Good faith<br>bona fide; sincere intention                  | حسن نیت                  |
| Govern<br>dominate; prevail                                 | حکومت کردن، حاکم بودن بر |
| Guilty mind<br>guilty intention; malicious intent; mens rea | فکر مجرمانه، قصد مجرمانه |
| Harm<br>damages; loss                                       | صدمه، زیان، آسیب رساندن  |
| Identical<br>analogous                                      | مساوی، یکسان، مشابه      |
| Illegal act<br>unlawful act                                 | عمل غیرقانونی            |
| Immense<br>extreme; great                                   | شدید                     |
| Improved<br>modified  | اصلاح شده                |
| Imputability<br>attributability                             | قابلیت، انتساب           |
| In charge of<br>responsible for                             | مسئول                    |
| In harmony with<br>compatible with; in line with            | مطابق با                 |
| Incompatible with<br>contradictory to; opposition to        | مغایر با                 |
| Infer from<br>Imply   | استنباط کردن از          |

|   |                                 |
|---|---------------------------------|
| Instrument<br>deed; document  | سند، ابزار                      |
| Intentional<br>voluntary; willful   | عمدی                            |
| Invalid<br>null; null and void; void  | باطل، غیرمعتبر                  |
| Ipsa jure<br>in law; legislatively  | از نظر قانون، قانوناً           |
| Judicial decisions<br>case law; common law; customary law;<br>judicial procedure; legal procedure;<br>precedent; unlegislated law | تصمیمات قضایی                   |
| Jus cogens<br>peremptory norms which bind all states  | قاعده آمر                       |
| Jus gentium<br>law of nations   | حقوق ملل                        |
| Justice and fairness principle<br>ex aequo et bono  | اصل عدالت و انصاف               |
| King<br>monarch   | پادشاه                          |
| Knowledge<br>awareness; education   | خبر، اطلاعات                    |
| Landmark<br>important; significant  | مهم، برجسته، معروف، شاخص، مرزی  |
| Landmark documents<br>important documents; significant documents  | اسناد مهم                       |
| Law of nations<br>jus gentium   | حقوق ملل                        |
| Leave<br>abandon; give up   | ترک کردن، رها کردن، واگذار کردن |
| Legislation<br>Act of parliament; codified law;<br>jurisprudence  | قانون، قانونگذاری               |

|  |                                  |
|--|----------------------------------|
| Legitimate   | مشروع                            |
| lawful; legal  |                                  |
| Lex loci delicti commissi                                  | قانون محل ارتکاب شبه جرم         |
| law of the place in which a tort is perpetrated            |                                  |
| Liquidated damages   | جبران خسارت تعیین شده            |
| ascertained damages; specified damages                     |                                  |
| Loss   | خسارت، ضرر، زیان، از دست رفتن    |
| damage; fall; harm; injury                                 |                                  |
| Mainly   | عمدتاً                           |
| chiefly; primary; principal; principle                     |                                  |
| Major term   | شرط اصلی                         |
| condition; important term; root term; vital term           |                                  |
| Make law   | وضع کردن قانون، ایجاد کردن قانون |
| enact the law  |                                  |
| Measures   | اقدامات                          |
| actions; activities  |                                  |
| Menace   | تهدید، ارباب                     |
| threat; threatening  |                                  |
| Mercantile law   | حقوق تجارت                       |
| business law; commercial law; law merchant; lex mercatoria |                                  |
| Mere   | صرف، محض                         |
| Only   |                                  |
| Merely   | صرفاً، فقط                       |
| only; simply; solely                                       |                                  |
| Mistake  | اشتباه                           |
| error; fallacy   |                                  |
| Mitigate   | تقلیل دادن، کاهش دادن            |
| decrease; reduce   |                                  |

|   |   |
|---|---|
| Modification<br>amendment; rectification; reformation     | اصلاح   |
| Motivate<br>prompt  | موجب شدن، تشکیل دادن / شدن، انگیزه ایجاد (چیزی)<br>بودن / شدن       |
| Namely<br>id est (i.e): that is                           | یعنی  |
| National law<br>domestic law; internal law; municipal law | حقوق داخلی، حقوق ملی  |
| Nationality<br>citizenship                                | ملیت، تابعیت  |
| Nearly<br>almost  | تقریباً   |
| Necessarily<br>essentially                                | ضرورتاً، لزوماً   |
| Non-binding<br>advisory                                   | غیر الزام آور   |
| Non- citizens<br>aliens; foreigners                       | غیراتباع  |
| Non guilty<br>innocent; not guilty                        | بی گناه   |
| Null<br>invalid; null and void; void                      | باطل  |
| Obey<br>carry out; follow; perform                        | اطاعت کردن  |
| Obligate<br>bind; necessitate; need; require              | موظف یا مکلف کردن، ملزم کردن / بودن / ساختن / دانستن،<br>متعهد بودن |
| Obligation<br>Commitment                                  | تعهد  |
| Obtain<br>acquire; attain                                 | حاصل شدن، کسب کردن، تحصیل کردن                                      |
| Offender<br>criminal; culprit; wrong-doer                 | مجرم  |

|   |  |
|---|--|
| Order issued by a court<br>writ   | حکم صادره بوسیله دادگاه  |
| Plead<br>defend   | دفاع کردن، ادعا کردن   |
| Presumably<br>possibly; potentially   | احتمالاً   |
| Privately<br>closely; in camera   | بطور خصوصی   |
| Probably<br>likely; possibly; potentially; presumably                                     | احتمالاً   |
| Promise<br>oblige   | متعهدله  |
| Proper law<br>particular law  | قانون خاص، قانون مناسب   |
| Proposal<br>recommendation  | پیشنهاد  |
| Purpose<br>aim; end; object; objective  | هدف، منظور   |
| Recognize<br>identify; verify   | تصدیق نمودن، شناسایی کردن، به رسمیت شناختن، تشخیص دادن، تشخیص دادن، دانستن، اذعان کردن |
| Reduce<br>decrease; mitigate  | تقلیل دادن، کاهش دادن  |
| Refrain from<br>avoid   | خودداری کردن از  |
| Regarding<br>Concerning   | در خصوص  |
| Release<br>discharge; publish   | آزادی، رهایی، فک (رهن)، رها کردن، منتشر کردن، انتشار دادن                              |
| Relief<br>compensation; damages; recovery damage;<br>redress; relieve; remedy; reparation | جبران خسارت  |

|   |   |
|---|---|
| Relieve<br>compensation; damages; recovery damage;<br>redress; relief     | جبران خسارت                                       |
| Rely on / upon<br>depend on; invoke                                       | متکی بودن به، استناد کردن به، بستگی داشتن به      |
| Remain<br>be; survive   | باقی ماندن، بودن، وجود داشتن                      |
| Reparation<br>compensation; damages; recovery; damage;<br>redress; relief | ترمیم، جبران خسارت                                |
| Repudiation<br>rescission; revocation                                     | فسخ   |
| Res<br>object; property; thing  | مال، شی   |
| rescission<br>annulment; repudiation; revocation                          | فسخ، ابطال  |
| Respondent<br>defendant   | خوانده، مدعی علیه                                 |
| Revenge<br>avenge   | انتقام  |
| Revenue<br>income   | درآمد   |
| Revocation of offer<br>withdrawal of the offer                            | استرداد ایجاب، بازپس گیری ایجاب                   |
| Seem<br>appear  | به نظر رسیدن                                      |
| Separable<br>distinguishable  | قابل تفکیک  |
| Separate<br>distinct; split   | جدا، مجزا، جدا کردن، تفکیک کردن، از هم تشخیص دادن |
| Set aside<br>Cancel; repeal   | لغو کردن، کنار گذاشتن                             |

|   |  |
|---|--|
| Simultaneously<br>in parallel   | به طور همزمان، با همدیگر               |
| Slander<br>defamation; libel  | افترای شفاهی، افترای لفظی              |
| Solely<br>only; merely; simply  | صرفاً، تنها، فقط                       |
| Sovereign<br>government; state  | حاکم                                   |
| State of emergency<br>extraordinary situation   | حالت اضطراری، وضعیت فوق العاده         |
| Statute law<br>Act of parliament; codified law; legislation;<br>positive law; written law                 | حقوق موضوعه                            |
| Terminate the contract<br>cancel the contract; rescind the contract                                       | فسخ کردن قرارداد                       |
| Testimony<br>witness  | شهادت                                  |
| Treaty<br>convention (in public international law);<br>conventional agreement; international<br>agreement | معاهده                                 |
| Trying<br>judging   | محاكمه                                 |
| Unauthorized<br>arbitrary   | غیرمجاز                                |
| Unconsummated<br>inchoate; incomplete   | ناقص                                   |
| Undertaking<br>obligation; promise  | تعهد                                   |
| Unforeseen difficulties<br>unforeseen problems  | مشکلات پیش‌بینی نشده، مشکلات غیرمنتظره |
| Unjust<br>oppressive; unfair  | ناعادلانه، ظالمانه                     |

|   |   |
|---|---|
| Unlegislated law<br>case law; common law; customary law;<br>judicial decision | قانون غیرمدون، قانون تدوین نشده                           |
| Unlike<br>contrary to; in contrast  | برخلاف  |
| Unqualified<br>absolute; unconditional  | کامل، بدون قید و شرط                                      |
| Utmost good faith contract  | قرارداد با حداکثر حسن نیت، قرارداد با منتهای حسن نیت      |
| Uberrimae fides   |   |
| Versus<br>against   | علیه، در مقابل  |
| Voluntarily<br>intentionally; willfully                                       | آزادانه، به شکل داوطلبانه، به طور ارادی، به طور داوطلبانه |
| Writ<br>command; decree; order issued by a court                              | حکم، قرار   |
| Written law<br>Act of parliament; codified law; legislation;<br>statute law   | قانون مدون، حقوق نوشته شده                                |
| Wrong<br>error; mistake   | تخلف، خطا، اشتباه   |
| Wrong-doing<br>crime; offence   | خطا   |

مؤسسه فرهنگی طرح نوین اندیشه

- |                                  |               |
|----------------------------------|---------------|
| 1. Ab Inito : From the Beginning | از ابتدا      |
| 2. Actio ex Delictio             | دعوای شبه جرم |
| 3. Ad Idem                       | به همان دلیل  |
| 4. Bona Fidc                     | حسن نیت       |
| 5. De Facto                      | فعلی عملی     |
| 6. Jus                           | مجموعه قوانین |
| 7. Lex: law                      | قانون         |
| 8. Nudum Pactur                  | عقد غیر معوض  |
| 9. Stare Decisis                 | رویه قضایی    |
| 10. Ipso jure                    | خودبخود       |
| 11. Versus: Against              | درمقابل       |
| 12. Res Nullius                  | میراث مشترک   |

|                       |   |
|-----------------------|---|
| Abandoned             | اعراض شده، رها شده  |
| Abettor               | معاون جرم   |
| Abide by              | اطاعت کردن از، پیروی کردن از  |
| Abortion              | سقط جنین  |
| Absconding            | فرار  |
| Absconding the Police | فرار کردن از دست پلیس   |
| Absolute Discharge    | آزادی مطلق  |
| Absolute Liability    | مسئولیت مطلق  |
| Absolute Proof        | دلیل مطلق   |
| Absolutely            | بطور مطلق، مطلقاً   |
| Accede                | پذیرفتن، موافقت کردن  |
| Accelerate            | تسریع کردن، سرعت بخشیدن   |
| Acceptable            | قابل قبول   |
| Accession             | الحاق به معاهده   |
| Accessory Liability   | مسئولیت معاونتی، مسئولیت ناشی از معاونت   |
| Accessory             | معاون جرم   |
| Accused               | متهم  |
| Acquire               | کسب کردن، تحصیل کردن  |
| Act of Law            | عمل حقوقی   |
| Action                | اقامه دعوا  |
| Action to claim       | طرح دعوا  |
| Actus reus            | عنصر مادی   |
| Adaptation            | انطباق  |
| Adequate              | کافی  |
| Adjacent to           | مجاور   |
| Admit                 | پذیرفتن   |
| Adopt                 | پذیرفتن   |
| Adult                 | بالغ، بزرگسال   |
| Adultery              | زناي محصنه  |
| Aid and Abet          | کمک به مرتکب اصلی جرم ضمن حضور در صحنه جرم که با شرکت در جرم در نظام حقوقی ایران قابل قیاس است. |
| Aims                  | اهداف   |
| Alienable             | قابل انتقال، قابل واگذاری   |
| Amendment             | اصلاح   |

|                        |                                 |
|------------------------|---------------------------------|
| Amount to              | منجر شدن به                     |
| Annulment              | ابطال                           |
| Antecedent to          | مقدم بر                         |
| Approval               | تصویب                           |
| Approve                | تصویب کردن                      |
| As much as he deserves | به اندازه ای که مستحق آن است    |
| As much as he gains    | به اندازه ای که فایده دارد      |
| Assignment             | انتقال                          |
| Authorized by          | مجاز از طریق                    |
| Bigamy                 | دو همسری                        |
| Bilateral Contract     | قرارداد دو جانبه                |
| Bill of Indictment     | کیفر خواست                      |
| Bill of Lading         | بارنامه                         |
| Blackmail              | اخاذی                           |
| Body of Law            | مجموعه قوانین                   |
| Bona Fide              | حسن نیت                         |
| Branch of Law          | شاخه حقوق                       |
| Break                  | نقض کردن                        |
| Bringing an Action     | اقامه دعوا                      |
| Burden of Proof        | بار اثبات                       |
| Business Law           | حقوق تجارت                      |
| By Virtue of           | بموجب                           |
| Capacity to Contract   | اهلیت برای انعقاد قرارداد       |
| Capital                | سرمایه، مرکز                    |
| Case Law               | رویه قضایی                      |
| Cession                | انتقال، واگذاری                 |
| Charge                 | اتهام                           |
| Charging               | اتهام                           |
| Charter                | منشور                           |
| Claimant               | خواهان، مدعی                    |
| Claims                 | دعای، مطالبات                   |
| Code of Laws           | مجموعه قوانین                   |
| Collection of Trials   | مجموعه رسیدگی و بررسی های قضایی |
| Communication          | ابلاغ                           |
| Compensate             | غرامت پرداخت کردن               |
| Compromise             | سازش، توافق                     |
| Compulsion             | اجبار                           |

|                                   |  |
|-----------------------------------|--|
| Compulsorily                      | بطور اجباری  |
| Compulsory Jurisdiction           | صلاحیت اجباری                                      |
| Confirm                           | تایید کردن   |
| Consensus ad idem                 | توافق در مورد همان موضوع، توافق در مورد موضوع معین |
| Consent of all Parties            | رضایت همه طرفین                                    |
| Conspiracy                        | توطئه، تبانی                                       |
| Conspirator                       | توطئه کننده  |
| Constitutional Law                | حقوق اساسی   |
| Contract by Deed                  | قرارداد با سند رسمی                                |
| Contract by Parole                | قرارداد شفاهی                                      |
| Contract in Writing               | قرارداد کتبی                                       |
| Contract of agency                | قرارداد وکالت                                      |
| Convention                        | کنوانسیون، معاهده، رسم و سنت (در حقوق اساسی)       |
| Conventional Rules                | قواعد قراردادی، مقررات عرفی                        |
| Counselor                         | مشاور  |
| Counter-Claim                     | ادعای متقابل، دعوی متقابل                          |
| Counterfeiting                    | جعل (سکه)  |
| Counter-offer                     | ایجاب متقابل                                       |
| Crime Rates                       | میزان جرم  |
| Criminal Act                      | عمل مجرمانه  |
| Damage                            | آسیب   |
| Damages                           | جبران خسارت  |
| Damage goods                      | صدمه دیدن کالا                                     |
| Debts                             | دیون   |
| Deposit of Instrument             | تودیع سند  |
| Depositary                        | امین   |
| Deprive                           | محروم کردن   |
| Derive from                       | ناشی شدن از، نشأت گرفتن از                         |
| Doctrine of nulla poena sine lege | اصل قانونی بودن مجازات                             |
| Doctrine of privity               | اصل نسبی بودن قرارداد                              |
| Eligible                          | واجد شرایط   |
| Eliminate                         | از بین بردن  |
| Emerge                            | به منصفه ظهور رسیدن، ظاهر شدن                      |
| Emphasize                         | تاکید کردن بر                                      |
| Enactment of Law                  | وضع قانون  |
| Endorser                          | ظهر نویس   |
| Execute of the Law                | اجرا کردن قانون                                    |

|                               |                                |
|-------------------------------|--------------------------------|
| Exploit                       | استخراج کردن                   |
| Exploit of the Resources      | استخراج کردن منابع             |
| Explore                       | تشریح کردن                     |
| Expose                        | در معرض گذاشتن                 |
| Flourish                      | شکوفا شدن، رشد کردن            |
| FOB (Free on Board)           | فوب (تحویل کالا روی عرشه کشتی) |
| Force of law                  | قدرت حقوقی                     |
| Forgery                       | جعل (اسناد)                    |
| Fraud                         | کلاهبرداری                     |
| Fulfill                       | اجرا کردن                      |
| Fulfillment of the Obligation | ایفای تعهد                     |
| Fundamental Law               | حقوق بنیادین                   |
| Good Offices                  | مساعی جمیله                    |
| Grant on Lease                | اجاره دادن، به اجاره رفتن      |
| Grievous Bodily Harm          | صدمه شدید جسمانی               |
| Heritage                      | میراث                          |
| Hot Pursuit                   | تعقیب فوری                     |
| House of Commons              | مجلس عوام                      |
| Immorally                     | بطور غیر اخلاقی                |
| Impact                        | تاثیر                          |
| Impossible Offences           | جرائم غیرممکن                  |
| Imprisonment                  | حبس                            |
| Improve                       | بهبود بخشیدن                   |
| Impunity                      | مصونیت                         |
| Imputability                  | قابلیت انتساب                  |
| In Camera                     | بطور خصوصی، بصورت محرمانه      |
| In Favor of                   | بنفع                           |

## Skill 1: Central Message or Main Idea

همان ایده اصلی متن است که نشان می‌دهد نویسنده درباره چه موضوعی صحبت می‌کند. هر پاراگراف دارای یک Main Idea است. اگر متن بیشتر از یک پاراگراف داشته باشد بیش از یک Main Idea دارد و این Main Ideas با هم ارتباط دارند.

نکته‌ی مهم اینکه نیازی به خواندن و فهمیدن تمام واژه‌ها نیست. برای پاسخ به سوالات درک مطلب می‌توان با خواندن سریع متن و بدون توجه به جزئیات و مثال‌ها و بدون نیاز به دانستن معنی تمام واژه‌ها ابتدا یک ایده کلی از متن می‌توان به دست آورد و سپس بر اساس مهارت‌های مربوط به هر سوال پاسخ را یافت.

## Skill 2: Recognizing the Organization of Ideas

برای یافتن چگونگی سازماندهی ایده‌ها و پاراگراف‌های یک متن و ارتباط آنها با هم باید جمله‌ی آغازین هر یک از پاراگراف‌ها خوانده شود و ارتباط آنها یافت شود. مثلاً ممکن است پاراگراف دوم پاراگراف اول را نقض کند یا مثال پاراگراف اول باشد.

## Skill 3: Answering Stated Detailed Questions

پاسخ سوالات مربوط به جزئیات متن در واقع بیان دوباره چیزی است که در متن عنوان شده؛ برای یافتن جواب این نوع سوالات کلمات کلیدی را در نظر

می‌گیریم و در متن دنبال کلمات یا مشابه آنها می‌گردیم. عباراتی که این کلمات را دارند جواب سوال است.

#### Skill 4: Finding Unstated Details

در این نوع سوالات راجع به جزئیاتی سوال می‌شود که یا در متن ذکر نشده یا سه تا از جواب‌ها در متن درست است و یکی نادرست.

#### Skill 5: Answering Implied Detailed Question

سوالاتی که با واژه‌هایی مثل *implied*, *inferred* یا *probably* می‌باشد و از متن باید استنباط شود.

#### Skill 6: Answering transition questions

یکی از راه‌های انسجام و مرتبط کردن پاراگراف‌های یک متن این است که پاراگراف جدید با ایده و مطلب پایانی پاراگراف قبلی آغاز می‌شود و یا ایده‌ی پایانی یک پاراگراف در پاراگراف بعد از آن بسط داده می‌شود. موضوع پاراگراف قبلی را می‌توان از جمله آغازین پاراگراف داده شده حدس زد و برای یافتن موضوع پاراگراف بعدی به جمله‌ی پایانی پاراگراف باید توجه کرد. برای پاسخ به سوالات مربوط به واژگان دانستن واژه مورد نظر سوال مفید است اما دانستن معنی واژه همیشه ضروری نیست.

#### Skill 7: Findings Definitions from Structural Clause

متن اطلاعاتی را درباره واژه مورد سوال بیان می‌کند. به عنوان مثال معنی واژه بعد از علامت خط تیره یا داخل پرانتز آورده می‌شود.

## Skill 8: Using Context to Determine Hearing of Difficult Words

حدس معنی واژه های مشکل با توجه به کلمات قبل و بعد از آن.

## Skill 9 : Using Context to Determine Meaning of Simple Words

برای تعیین معنی واژه های ساده‌ای که معنی اولیه و روزمره‌ی آنها مد نظر است باید به Context واژه یعنی آنچه قبل و بعد از آن آمده توجه کرد و معنی ثانویه آن را مشخص کرد.

## Skill 10: Determining Tone, purpose

Tone یا سخن مورد سوال را باید شناخت. هدف نویسنده را می‌توان با اشاره به Main Idea و جزئیات متن یافت. هدف نویسنده که اغلب بسیار کلی‌تر از ایده اصلی است می‌توان از سخن او پیدا کرد. همچنین با اشاره به topic و جزئیات می‌توان تعیین کرد که متن داده شده برای چه درسی مناسب است.

**PASSAGE 1:**

In a bilateral contract, where both parties have obligations to perform, questions may arise as to who is to perform first. This is primarily a question of construction of the contract, assisted by presumptions as to the normal rule for contracts of a particular kind. Often, it will not be a case of one party performing all his obligations first but rather of some obligations of one side having to be performed before related obligations of the other side. So in a contract of employment, the employer's obligation to pay wages will normally be dependent on the servant's having completed a period of employment but his obligation to provide a safe system of work will arise from the start of the employment.

It is often helpful to analyze this problem by using the language of conditions. In a contract between A and B, we may discover at least three possibilities: first, an undertaking by A is a condition precedent to an undertaking by B; secondly, undertakings by A and B may be concurrent conditions; or, finally, some undertakings by A and B may be independent.

We may illustrate the first two possibilities by considering the obligations of buyer and seller as to delivery of the goods and payment of the price. Under the provisions of the Sale of Goods Act 1979, the obligations of the seller to deliver and of the buyer to pay the price are said to be prima facie concurrent, but in many cases the contract varies this rule.

In many commercial contracts, the seller agrees to grant the buyer normal trade terms, for example, payment within thirty days of delivery of invoice. It is clear that in such a case the seller must deliver first and cannot demand payment on delivery. Conversely, in international sales, buyers often agree to pay by opening a banker's commercial credit, and here it is clear that the seller need take no steps until the buyer has arranged for the opening of a credit in conformity with the contract.

- 1- **What is the passage mainly about?**
  - 1) Difficulties in construction of an employment contract
  - 2) The types of obligations in an employment contract
  - 3) The order of performance in a bilateral contract
  - 4) Presumptions in a work contract
- 2- **Which of the following statements is true about a contract of employment?**
  - 1) The employer's obligation to pay wages will normally depend on the employee's having opened a banker's commercial credit.
  - 2) The employer's obligation to pay the wages normally depends on the servant's having completed a period of employment.
  - 3) The employer's obligation to pay the salary will normally be dependent on the employee's having completed all his obligations.
  - 4) The employee's duty to provide a safe system of work will be dependent on the employer's having done all his commitments.
- 3- **What does "this problem" in paragraph 2 refer to?**
  - 1) The language of conditions
  - 2) The servant's obligations
  - 3) Who is to perform first
  - 4) A safe system of work
- 4- **Which of the following statements is true?**
  - 1) Under the provisions of the Sale of Goods Act 1979, the obligations of the seller to deliver and of the buyer to pay the price are said to be prima facie concurrent.
  - 2) In international sales, the seller has to take a number of legal steps before the buyer has arranged for the opening of a banker's commercial credit.
  - 3) In all commercial contracts, the seller agrees to grant the buyer normal trade terms of payment no longer than thirty days of delivery of invoice.
  - 4) In international sales, the seller must deliver first and must demand payment on delivery.
- 5- **Where does the following sentence best fit into the passage?**

**Where the buyer's and seller's obligations are concurrent, this means in practice that the ability of either party to complain of the other's non-performance depends on his own ability to show that he was ready, willing and able to perform.**

  - 1) End of paragraph 4
  - 2) Beginning of paragraph 2
  - 3) End of paragraph 2
  - 4) End of paragraph 1