



MINISTERUL JUSTIȚIEI

Glosar de termeni juridici româno-englez

Realizat în cadrul proiectului ***“Instruirea judecătorilor în domeniul respectării drepturilor cetățenilor din Uniunea Europeană pe parcursul procedurilor penale”*** (Grant Agreement no. JUST/2014/JTRA/AG/EJTR/6863- ***“Training the judges in the field of securing the rights of the EU citizens within the criminal proceedings”***)

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INTRODUCERE

Prezentul material a fost redactat în cadrul proiectului **“Instruirea judecătorilor în domeniul respectării drepturilor cetățenilor din Uniunea Europeană pe parcursul procedurilor penale”** (Grant Agreement no. JUST/2014/JTRA/AG/EJTR/6863- **“Training the judges in the field of securing the rights of the EU citizens within the criminal proceedings”**), proiect implementat de Ministerul Justiției din România, împreună cu Academia Judiciară din Zagreb, Croația, Curțile de Apel Constanța, Craiova, Brașov și Suceava, și Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit (IRZ), Germania.

Documentul reprezintă rezultatul întâlnirilor avute cu judecători români, croați și germani în cadrul unei serii de șase seminarii organizate în România, Croația și Germania, în cadrul cărora s-au desfășurat și cursuri de pregătire lingvistică în domeniul juridic vizând terminologia utilizată în *Directiva 2010/64/UE a Parlamentului European și a Consiliului din 20 octombrie 2010 privind dreptul la interpretare și traducere în cadrul procedurilor penale și Directiva 2012/13/UE a Parlamentului European și a Consiliului din 22 mai 2012 privind dreptul la informare în cadrul procedurilor penale* precum și în *Convenția Europeană a Drepturilor Omului*. La aceste seminarii au participat peste 150 de magistrați, care și-au exprimat opțiunile în ceea ce privește redactarea unui astfel de glosar prin intermediul formularelor colectate de către formator. Prin urmare, prezenta colecție de termeni răspunde nevoilor de aprofundare a termenilor cuprinși în Directive și în Convenție, așa cum apar în textul original. Pentru o mai bună înțelegere, termenii sunt însoțiți de o explicație contextuală, oferită în limba engleză, pentru acei termeni juridici care ridică dificultăți uneori din perspectiva limbii române, și mai ales din perspectiva dreptului cutumiar, a tradiției juridice anglo-saxone. Aceste explicații sunt marcate distinct în text cu formula (Common Law), iar acolo unde explicația își are originea în tradiția juridică nord-americană, acest lucru este indicat prin utilizarea abrevierii U.S. (United States) – Statele Unite ale Americii.

Termen limba română	Sursa	Termen in limba engleză	Context juridic/explicație în limba engleză
acuzăție	Directiva 2012/13/UE	accusation	(Common Law): A formal criminal charge against a person alleged to have committed an offense punishable by law, which is presented before a court or a magistrate having jurisdiction to inquire into the alleged crime
acuzat	Directiva 2010/64/UE	accused person	a person or persons charged in a court of law with a crime, offence, etc.
mandat de arestare	Directiva 2010/64/UE	arrest warrant	A written order issued by authority of the state and commanding the seizure of the person named
dosar (cauză) instrumentat (ă) împotriva unei persoane	Directiva 2010/64/UE	case against a person	
acuzăție, capăt de acuzare, act de inculpare	Directiva 2010/64/UE	charge	(Common law): 1) in a criminal case, the specific statement of what crime the party is accused (charged with) contained in the indictment or criminal complaint. 2) in jury trials, the oral instructions by the judge to the jurors just before the jury begins deliberations. This charge is based on jury instructions submitted by attorneys on both sides and agreed upon by the trial judge.
autoritățile competente	Directiva 2012/13/UE	competent authorities	
caracterul confidențial	Directiva 2010/64/UE	confidentiality	

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fapta penală	Directiva 2012/13/UE	criminal act	(Common Law, U.S.): Criminal act is an act committed by a person that violates a law and which is punishable by the government. Criminal acts are offenses against the public which are punishable. It can be any act or omission or possession which poses a threat to the public.
anchetă penală		criminal investigation	
proceduri penale	Directiva 2010/64/UE	criminal proceedings	action taken in a court to bring a criminal prosecution against a person
decizie	Directiva 2010/64/UE	decision	decision refers to both administrative and judicial determinations. It includes final judgments, rulings, and interlocutory or provisional orders made by the court pending the outcome of the case. Frequently, a decision is considered the initial step in a rendition by a court of a judgment in an action
(fără) întârziere, (fără) amânare	Directiva 2010/64/UE	(without) delay	a period of time by which something is late or postponed
privare de libertate	Directiva 2010/64/UE	deprivation of liberty	
(mecanism) eficace	Directiva 2010/64/UE	effective (mechanism)	successful in producing a desired or intended result
efectiv			
drept, conținutul dreptului	Directiva 2012/13/UE	entitlement	An individual's right to receive a value or benefit provided by law.
documente esențiale	Directiva 2010/64/UE	essential documents	

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probă, dovadă	Directiva 2012/13/UE	evidence	Any matter of fact that a party to a lawsuit offers to prove or disprove an issue in the case. A system of rules and standards that is used to determine which facts may be admitted, and to what extent a judge or jury may consider those facts, as proof of a particular issue in a lawsuit.
Statul Membru de executare	Directiva 2012/13/UE	executing Member State	
procedura de executare (a unui mandat)	Directiva 2010/64/UE	execution (of a warrant)	(Common Law): Carrying out of some act or course of conduct to its completion. In Criminal Law, the carrying out of a death sentence
incapacitate, eșec	Directiva 2012/13/UE	failure	omission of occurrence or performance
caracterul echitabil al procedurilor (penale)	Directiva 2010/64/UE	fairness of the proceedings	
constatare	Directiva 2010/64/UE	finding	(Common Law): the determination of a factual question vital (contributing) to a decision in a case by the trier of fact (jury or judge sitting without a jury) after a trial of a lawsuit often referred to as findings of fact. A finding of fact is distinguished from a conclusion of law which is determined by the judge as the sole legal expert. Findings of fact and conclusions of law need not be made if waived or not requested by the trial attorneys, leaving just the bare judgment in the case
consiliere juridică gratuită	Directiva 2012/13/UE	free legal advice	
gratuit	Directiva 2012/13/UE	free of charge	
drepturi fundamentale	Directiva 2012/13/UE	fundamental rights	

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audiere	Directiva 2010/64/UE	hearing	<p>(Common Law): any proceeding before a judge or other magistrate (such as a hearing officer or court commissioner) without a jury in which evidence and/or argument is presented to determine some issue of fact or both issues of fact and law. While technically a trial with a judge sitting without a jury fits the definition, a hearing usually refers to brief sessions involving a specific question at some time prior to the trial itself, or such specialized proceedings as administrative hearings.</p> <p>In criminal law, a "preliminary hearing" is held before a judge to determine whether the prosecutor has presented sufficient evidence that the accused has committed a crime to hold him/her for trial</p>
în timp util	Directiva 2012/13/UE	in due time	
rechizitoriu	Directiva 2010/64/UE	indictment	<p>(Common Law): A formal document accusing one or more persons of committing a specified indictable offence or offences. It is read out to the accused at the trial. An indictment must have a particular form.</p>
servicii de interpretare	Directiva 2010/64/UE	interpretation	
autorități responsabile cu urmărirea penală	Directiva 2010/64/UE	investigative authorities	

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hotărâre judecătorească	Directiva 2010/64/UE	judgment	(Common Law): A decision by a court or other tribunal that resolves a controversy and determines the rights and obligations of the parties. A judgment is the final part of a court case. A valid judgment resolves all the contested issues and terminates the lawsuit, since it is regarded as the court's official pronouncement of the law on the action that was pending before it
autorități judiciare	Directiva 2010/64/UE	judicial authorities	
control judiciar	Directiva 2012/13/UE	judicial review	(Common Law): To reexamine judicially or administratively; a judicial reconsideration for purposes of correction, for example, the examination of a case by an appellate court
legalitatea arestării	Directiva 2012/13/UE	lawfulness of the arrest	
consiliere juridică	Directiva 2010/64/UE	legal advice	
ajutor public judiciar	Directiva 2010/64/UE	legal aid	financial assistance provided for persons to meet the cost of advice and representation in legal proceedings
asistență juridică		legal assistance	
apărător, avocat	Directiva 2010/64/UE	legal counsel	A person who is legally qualified and licensed to represent a person in a legal matter, such as a transaction or lawsuit
traducători și interpreți în domeniul juridic	Directiva 2010/64/UE	legal translators and interpreters	Legal translation is the translation of texts within the field of law
Notă de informare privind drepturile	Directiva 2012/13/UE	Letter of Rights	
asistență lingvistică	Directiva 2010/64/UE	linguistic assistance	

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mijloacele de probă materiale	Directiva 2012/13/UE	material evidence	
dreptul intern	Directiva 2012/13/UE	national law	
securitatea internă	Directiva 2012/13/UE	national security	
pronunțare pe fondul cauzei		on the merits of the case	(Common Law, US): referring to a judgment, decision or ruling of a court based upon the facts presented in evidence and the law applied to that evidence. A judge decides a case "on the merits" when he/she bases the decision on the fundamental issues and considers technical and procedural defenses as either inconsequential or overcome
anchetă aflată în curs de desfășurare	Directiva 2012/13/UE	ongoing investigation	
rezumat oral	Directiva 2010/64/UE	oral summary	
traducere orală	Directiva 2010/64/UE	oral translation	
rezultatul procedurilor	Directiva 2010/64/UE	outcome of the proceedings	something that follows from an action, dispute, situation, etc; result; consequence
cu promptitudine	Directiva 2012/13/UE	promptly	
prevedere (a legii)	Directiva 2010/64/UE	provision	the action of providing or supplying something for use
eliberare provizorie	Directiva 2012/13/UE	provisional release	
interes public	Directiva 2012/13/UE	public interest	
interogatoriu	Directiva 2010/64/UE	questioning	(Common Law): interrogation of a suspect or witness by law enforcement authorities. Once a person being questioned is arrested (is a "prime" suspect) he/she is entitled to be informed of his/her legal rights, and in no case may the interrogation violate rules of due process

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interval rezonabil de timp	Directiva 2010/64/UE	reasonable period of time	(Common Law): In the absence of an express or fixed time established by the parties to an agreement or contract, any time which is not manifestly unreasonable under the circumstances
motivele arestării sau reținerii	Directiva 2012/13/UE	reasons for arrest or detention	(Common Law, US): Probable cause is a requirement found in the Fourth Amendment that must usually be met before police make an arrest, conduct a search, or receive a warrant. Courts usually find probable cause when there is a reasonable basis for believing that a crime may have been committed (for an arrest) or when evidence of the crime is present in the place to be searched (for a search). Under exigent circumstances, probable cause can also justify a warrantless search or seizure. Persons arrested without a warrant are required to be brought before a competent authority shortly after the arrest for a prompt judicial determination of probable cause.
procedura de ținere a evidențelor	Directiva 2010/64/UE	recording procedure	

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măsură reparatorie, remediere	Directiva 2012/13/UE	remedy	(Common Law): the means to achieve justice in any matter in which legal rights are involved. Remedies may be ordered by the court, granted by judgment after trial or hearing, by agreement (settlement) between the person claiming harm and the person he/she believes has caused it, and by the automatic operation of law. Some remedies require that certain acts be performed or prohibited (originally called "equity"), others involve payment of money to cover loss due to injury or breach of contract, and still others require a court's declaration of the rights of the parties and an order to honor them. An "extraordinary remedy" is a means employed by a judge to meet particular problems, such as appointment of a referee, master or receiver to investigate, report or take charge of property. A "provisional remedy," is a temporary solution to hold matters in status quo pending a final decision or an attempt to see if the remedy will work
Statul Membru solicitat		requested Member State	
persoană solicitată	Directiva 2010/64/UE	requested person	
Statul Membru solicitant		requesting Member State	
cerință, obligație	Directiva 2010/64/UE	requirement	
dreptul de a fi asistat de un avocat	Directiva 2012/13/UE	right of access to a lawyer	
dreptul de acces la materialele unei cauze	Directiva 2012/13/UE	right of access to the materials of the case	
dreptul de acces la asistență medicală de urgență	Directiva 2012/13/UE	right of access to urgent medical assistance	

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dreptul la apărare	Directiva 2010/64/UE	right of defence	1) A general term for the effort of an attorney representing a defendant during trial and in pre-trial maneuvers to defeat the party suing or the prosecution in a criminal case. 2) A response to a complaint, called an affirmative defense, to counter, defeat, or remove all or a part of the contentions of the plaintiff
dreptul de a fi informat	Directiva 2012/13/UE	right to be informed	
dreptul de a informa autoritățile consulare și o altă persoană	Directiva 2012/13/UE	right to have consular authorities and one person informed	
dreptul la interpretarea și traducere	Directiva 2012/13/UE	right to interpretation and translation	
dreptul de a păstra tăcerea	Directiva 2012/13/UE	right to remain silent	(Common Law, U.S.): the requirement set by the U. S. Supreme Court in <i>Miranda v. Alabama</i> (1966) that prior to the time of arrest and any interrogation of a person suspected of a crime, he/she must be told that he/she has: "the right to remain silent, the right to legal counsel, and the right to be told that anything he/she says can be used in court against" him/her. Further, if the accused person confesses to the authorities, the prosecution must prove to the judge that the defendant was informed of them and knowingly waived those rights, before the confession can be introduced in the defendant's criminal trial. The warnings are known as "Miranda Rights" or just "rights." The Miranda rule supposedly prevents self-incrimination in violation of the Amendment to the U. S. Constitution
periclitarea gravă a vieții unei persoane	Directiva 2012/13/UE	serious threat to the life of a person	

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prezentarea, înaintarea	Directiva 2012/13/UE	submission	
prezentarea fondului acuzării în instanță	Directiva 2012/13/UE	submission of the merits of the accusation to a court	
		submissions	
suspect	Directiva 2010/64/UE	suspected person	a person who is suspected of a crime, offence, etc.
termene limită	Directiva 2010/64/UE	time limits	
a fi înfățișat în instanță	Directiva 2012/13/UE	to be brought before a court	
a introduce acțiune în instanță		to bring proceedings in court	
a contesta, a exercita o cale de atac	Directiva 2010/64/UE	to challenge	(Common Law): An exception made to jurors who are to pass on a trial; to a judge; or to a sheriff
a provoca			
a reclama, a depune o plângere, a sesiza	Directiva 2010/64/UE	to complain	(Common Law): A civil complaint initiates a civil lawsuit by setting forth for the court claim for relief from damages caused, or wrongful conduct engaged in, by the defendant. The complaint also serves as notice to the defendant that legal action is underway.
a reține	Directiva 2012/13/UE	to detain	(Common Law): Detention occurs whenever a police officer accosts an individual and restrains his or her freedom to walk away, or approaches and questions an individual, or stops an individual suspected of being personally involved in criminal activity. Such a detention is not a formal arrest.
a (se) asigura, a garanta	Directiva 2010/64/UE	to ensure	
a exercita	Directiva 2010/64/UE	to exercise	To put into action, practice, or force; to make use of something, such as a right or option

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a acorda	Directiva 2012/13/UE	to grant	
a afecta	Directiva 2012/13/UE	to harm	
a demara urmărirea penală		to institute criminal proceedings	
a prejudicia, a afecta	Directiva 2010/64/UE	to prejudice	(Common Law): In the civil law prejudice signifies a tort or injury
asigurare, oferire, punere la dispoziție		to provide	an amount or thing supplied or provided
a oferi, a pune la dispoziție	Directiva 2010/64/UE		
a furniza, a asigura			
a garanta	Directiva 2010/64/UE	to safeguard	To ensure the safety or integrity of; protect or preserve
servicii de traducere (scrisă)	Directiva 2010/64/UE	translation	
persoane vulnerabile	Directiva 2012/13/UE	vulnerable persons	
renunțarea la drepturi	Directiva 2010/64/UE	waiver of rights	(Common Law): the intentional and voluntary giving up of a right, either by an express statement or by conduct (such as not enforcing a right)
traducere scrisă	Directiva 2010/64/UE	written translation	

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