

UNDERSTANDING THE NUNAVUT COURT PROCESS

A GLOSSARY FOR VICTIMS, COMPLAINANTS AND OTHER WITNESSES

The glossary is a tool to help Nunavummiut understand the criminal court process and for complainants and other witnesses who may be called to court to testify.

Find terms in both English and Inuktitut with definitions in English.

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Law Society of Nunavut
Access to Knowledge Initiative



Access to Legal Knowledge
Providing information with support

Copies of the video can be obtained by contacting:

Community Justice
victimservices@gov.nu.ca
1 866-456-5216



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NUNAVUMI MALIGALIQQIT
NUNAVUT LAW FOUNDATION
LA FONDATION DU DROIT DU NUNAVUT



Department of Justice
Canada

Ministère de la Justice
Canada

We gratefully acknowledge funding from the Nunavut Law Foundation and Department of Justice Canada.



While financially supported by The Law Foundation of Ontario Access to Justice Fund, the Law Society of Nunavut's Access to Justice Committee is solely responsible for all content.

NUNAVUNMI
INIRNIRIT
ILHARVIAT
COLLEGE
DE L'ARCTIQUE
DU NUNAVUT



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NUNAVUT
ARCTIC
COLLEGE

The Law Society of Nunavut acknowledges and thanks the Nunavut Arctic College as the creator and copyright holder of the original legal glossary.

arrest

በጋራ

The act of placing a person in custody for a crime, according to law.

B

**bail hearing/ judicial interim release/
show cause hearing**

በጋራ ለግዴታ ለመገኘት ለሚገባው ሰው

A court hearing to decide whether a person charged with an offence should be released or kept in custody until the trial.

beyond a reasonable doubt

በግዴታ ለመገኘት ለሚገባው ሰው

In a criminal trial, this is the standard of proof that the prosecutor must meet in order to convince a judge or a jury that the accused did commit the crime. If the judge or jury have any reasonable questions in their mind about whether the accused committed the crime, then the judge or jury must say that the accused is not guilty. In other words, the judge or jury must be sure that the accused committed the crime.

burden of proof

ግዴታ ለመገኘት ለሚገባው ሰው

In a criminal trial, by default, the prosecutor is the one who has to bring the evidence to convince the judge that the accused committed the illegal act of which they have been charged.

business hours

ለገቢ ለመገኘት ሰዓት

Hours during the day when stores, shops, government offices, and companies are normally open. Typically from Monday to Friday 8:30 to 5:00 pm, not including holidays.

C

challenge

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To argue about the truth of something.

charge

ᐸᑭᑲᑦᑭᑦᑭ

The offence that an accused is said to have committed.

Another word is allegation or accusation.

community justice outreach worker/ community justice specialist

ᑭᑲᑦᑭᑦᑭ ᐱᐸᐸᐸᑲᑦᑭᑦᑭ ᐋᑭᑲᑦᑭᑦᑭ/ᑭᑲᑦᑭᑦᑭ ᐱᐸᐸᐸᑲᑦᑭᑦᑭ

A person who works with the Crown prosecutor, the accused and other members in the court and the community to help provide alternatives to the official criminal court process.

community service

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Sometimes a person may do unpaid work for the community to make up the harm that the person has done.

condition

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Something that has to be done before something else will occur. *"I will lend you my snowmobile on condition you repair it."* Or, a judge might allow a person who has been arrested to remain free before trial on conditions such as: keep the peace and be of good behaviour, report to the police at certain times, etc.

crime

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An action or omission that is an offence in criminal law and punishable by the court.

criminal justice system

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The system of law enforcement involved with prosecuting, defending and punishing people who have committed crimes.

cross examination

የሌላ ግለሰብ ለማረጋገጥ ለሚያገለግል ስርዓት

This is where a witness is asked questions by the lawyer who wants to challenge what the witness has said. This is different from direct examination, where a witness is asked questions by a lawyer who wants the witness to help them prove a fact to the judge. Different rules apply to the two kinds of examination.

Crown/Crown prosecutor /Crown counsel

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In criminal cases, this is the lawyer who represents Her Majesty the Queen—that is, the government; the prosecutor.

Crown witness coordinator

ገጥሞ ለጥራት ለማረጋገጥ የሚያገለግል ስርዓት ለሚያገለግል ሰው

A person who works with witnesses for the prosecution and people claiming that someone has committed a crime against them within the criminal justice system.

custody

ገጥሞ ለጥራት ለማረጋገጥ የሚያገለግል ስርዓት

A person who is in the protective care of someone, or something such as jail or a guardian.

E

evidence

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Information about something that the court is considering in making a decision. This information can be given by witnesses who have sworn under an oath or given a solemn affirmation to tell the truth. The information can also be any written documents, audio or video that has been given to the court properly according to the rules of evidence. The court considers this evidence, and only this evidence, in deciding the matter.

examine

ከገንዘብ ጋር ለመገምገም

To inspect or test something in detail.

G

gallery

ዕብረተኛ ስብሰባ ልማት

The part of the courtroom where members of the public or media sit to observe when court is in session.

giving evidence

ወይንስ ለጥያቄ ለመስጠት

When there is a witness to a crime, they are asked to come to court to answer questions about what happened. Giving evidence can also be done by an expert whose role is to explain information that the judge or jury may not know. This can include describing medical or forensic information but experts can give evidence about other topics that need explanation.

guilty

አስከፊ

When the court decides that an accused did the crime for which they have been charged.

H

homicide

አዎንታዊ ስርዓት

When one person is killed by another person.



incarceration

በጋህገረታማ

This is when a person is placed in jail waiting for a trial or is serving time in jail after being found guilty of a crime.

in-custody

በጋህገረታማ

Same as “incarceration”

indictable offence

ለፍትህግ ለላይኛ ለላይኛ ለላይኛ

There are sometimes two choices that the Crown can make in court when an accused is first charged. An indictable offence is chosen when the charge is a more serious offence and the prosecutor wants to ask for a longer period of jail than is normally allowed by a summary conviction. *See summary conviction offence for definition of the other election.*

indictment

ፈጠራ ለፍትህግ ለላይኛ ለላይኛ

A court document that says, in writing, the crimes that the prosecutor is saying that the accused committed relating to indictable offences. *See indictable offences.*

information

ፈጠራ ለፍትህግ ለላይኛ ለላይኛ

Similar to an indictment, except that this court document is used for summary conviction offences and for indictable offences until after a preliminary hearing. *See summary conviction offence and preliminary hearing.*

and this decision must be agreed upon by all 12 members of the jury. These trials can only be held for indictable offences. See *indictable offence*.

justice of the peace court

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A court of law that is run by a justice of the peace, who hears various matters including show cause hearings, youth court matters, and charges being dealt with by way of summary conviction. See *summary conviction offence*.

L

lawyer

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This is a person who is licensed by law, through membership of a law society, to give legal advice and to represent people in a court of law.

legal aid

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This is a government program that is available to the public for people in need of legal assistance. This program provides lawyers for free or at a lower cost for those who cannot afford legal assistance. In Nunavut, this program is called the Legal Services Board of Nunavut.

legal right

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A power, privilege or entitlement to something that the law recognizes. This includes a right to life, liberty, privacy, freedom from discrimination and ownership to property. The Constitution and the Canadian Charter of Rights and Freedoms also state legal rights.

M

members of the public

የጠቅላይ ግብርና

In an open court, this term refers to people of the community (including the media) who are watching what is going on in court and does not include the judge, court staff, the lawyers, and the accused (in most cases). In most cases, members of the public are allowed to be in court when cases are being heard, unless a judge orders that the public be asked to stay outside of the courtroom.

mistrial

ግብርና ግብርና ግብርና ግብርና ግብርና

A trial that has to be stopped because of an error in the proceedings. Usually, the process has to begin again. A mistrial can also happen when a jury is unable to make a decision about whether the prosecutor has proven to them that the charges happened.

N

not guilty

ግብርና ግብርና ግብርና

A decision by a judge or jury that the prosecutor has not proven that the accused committed the crime beyond a reasonable doubt (*see beyond a reasonable doubt*). An accused usually enters a "not guilty plea" after having a chance to look at the evidence that the prosecutor will use at a trial to prove that they committed the crime with which they have been charged. An accused can enter a "not guilty" plea at a first appearance in court, but usually does not. This means that they do not believe that they are guilty of the crime they are being charged for. After a trial, the judge or jury can give

a not guilty verdict. This means that that court decided, after hearing evidence, that the prosecutor did not prove that the accused committed the crime. It can also mean that the accused has given an acceptable explanation for why they did not commit the crime. It can also mean that the accused had a valid legal reason to do something that is normally a crime.

Nunavut Victim Services

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Nunavut Victim Services is a branch of the Nunavut Government that dedicates their time to helping victims of crimes. They help victims emotionally, mentally and physically before, during and after trials. They are there to help people get through the process by providing information about available care programs and other services.



oath or affirmation

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A formal and serious promise to tell the truth in court. When someone is a witness in a trial, they are asked to provide an oath or affirmation that they will not lie to the court. A person who is found to have lied to the court can be charged with a crime. An oath is sworn by placing your hand on a sacred religious book to the witness's religion and promising to tell the truth by invoking the name of the witness's deity, like God. An affirmation is a promise to the court that you will tell the truth without involving a religious belief.

offence

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The act of breaking the law.

offender

ገጥሞኛ

A person who has been found guilty by the Court of breaking the law.

P

pardon

ገጥሞኛ ለጥራት ማሻሻያ ስርዓት

Old term for what is now called a record suspension. See *record suspension*.

parole

ገጥሞኛ ለጥራት ማሻሻያ ስርዓት

When a person is released from the federal correctional system (people must serve a prison sentence of 2 years or more) by the National Parole Board and who must follow certain conditions until the sentence is officially complete. If they fail to do so, they could end up in jail again.

parole evidence

ገጥሞኛ ለጥራት ማሻሻያ ስርዓት ምስክር ወረቀት

Another term for oral testimony.

parole hearing

ገጥሞኛ ለጥራት ማሻሻያ ስርዓት ምስክር ወረቀት ስርዓት

A hearing to decide whether a person should be given parole. This means it will be decided whether they should be temporarily or permanently released from prison before the end of their sentence, and be watched under parole for the rest of their sentence.

right to counsel

ካንዲቲ ለኮንሰልቲንግ

When someone is arrested, they have the right to talk to a lawyer without delay. They also have the right to be told about their right to talk to a lawyer. The police have a duty to make it possible for the person to talk to a lawyer.

S

search warrant

ኖርዲንግ ደብዳቤ

A document signed by a judicial officer giving the location, time and type of search that can be conducted by the police. The police must show enough reasons for why a search should be allowed.

secure custody

ለቲኒጅት ለግራግራቲ

There are two forms of custody for young offenders, open custody and secure custody. Secure custody is where a young person stays in a correctional facility and is not free to leave. Open custody is a jail sentence that a young person is allowed to serve in the community while being supervised and after having promised to follow certain conditions. Sometimes called closed custody.

seizure

ለኖቲስ ለጥራት ጥራት

When police do an investigation, they are looking for evidence. There are different kinds of evidence. Seizure is when the police take evidence away and keep it safe until a trial.

summary conviction offence

ካሜሮፎርሜሽን ለፍትህ

A kind of offence that comes with a maximum sentence that is lower than indictable offences. Summary conviction offences are heard by a judge alone, and not by a jury. Sometimes the Crown will decide at the beginning of a prosecution whether the matter should go as a summary conviction offence or by indictment.

summons

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A court order for a person to attend court.

support person

ፈጻኔ ሰጪ

Someone, such as a family member or a friend, who can go with a witness to court to make them feel more comfortable when they testify.

surety

ፈጻኒ ለጋላጥፍጻሜ ጋዥ ለጋላጥፍጻሜ

A person who is willing and found appropriate by the court to supervise an accused person who is released on bail. The surety is responsible for making sure the accused is following the conditions of release, including going to court when they are supposed to. A surety may have to give a cash deposit to the court in order for the accused to be released.

suspended sentence

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Instead of sentencing an offender, the court may have the offender follow the conditions of a probation order and release the offender. If the person does not follow the conditions of their probation order, then they can be charged with failing to comply with the conditions of the probation order.

T

testify

ገር-ሰጥፍናፍታ ጋራ ስሜት ለሌላው ማሳኛ

To give evidence under oath or affirmation.

testimonial aid

ስሜት ለማሳኛ ለሌላው ማሳኛ

There are a few different ways to make it easier for a witness to testify in court, through what is called a testimonial aid.

One is having a support person come with the witness while the witness testifies. Another example is allowing the witness to testify behind a screen so that they don't have to see the accused. In other cases, video-conferencing can be used so that the witness does not have to be in the same room as the accused when they testify.

testimony

ገር-ሰጥፍናፍታ ጋራ ስሜት

What is said by a person who testifies. The evidence of a person given under oath.

threatens life

ጋራ ስሜት ለሌላው ማሳኛ ለሌላው ማሳኛ

When someone says or causes someone else to believe that they are going to kill them.

transcript

ስሜት ለማሳኛ ለሌላው ማሳኛ

The written record of exactly what was said, usually in a court. What is said in court is usually recorded by a court reporter.

V

verdict

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The judgment that a court gives. For example: guilty or not guilty.

victim

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Someone who has suffered harm because of a crime. They have certain rights and play an important role in the criminal justice process.

victim impact statement

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A statement that the victim writes down, explaining what kind of harm they have suffered because of the crime. The court will listen and think about this statement when deciding what kind of punishment the court should give to the offender.

Victim Services Worker

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See Nunavut Victim Services.

W

withdraw charges

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Sometimes the prosecutor will decide that charges should not go ahead. In these cases, they may ask the court to cancel the information or indictment before the court, which ends the charges and the accused is free to leave without conditions.

witness

ኾኔገላላ

A person who is called to court to give evidence about something they heard, saw or did that relates to a court case.

witness box/witness chair

ኾኔገላላ ልሙሴ

The place in court where the witness sits while giving their evidence or testimony.

Y

young offender

ልጅ ለጥራት

A person over the age of 12 but under the age of 18 who commits a crime. Also referred to as "Young person" in the Youth Criminal Justice Act.



ጋራ ሕግ ለህዝብ
Community Justice
Maligaliriyit Nunalaani
Justice Communautaire



Access to Legal Knowledge
Providing information with support

The glossary is an educational tool to help with terminology around the criminal justice system.

It is also a valuable tool for support workers who work with victims, to use when they are walking victims through the court process.

