

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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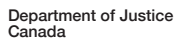


Law Society of Nunavut
Access to Knowledge Initiative



Access to Legal Knowledge
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A

accident

ለኃፋዮታፍ

An unfortunate event that happens unexpectedly and unintentionally, usually resulting in damage or injury.

accommodation

ፋኔዎጋርጋረ ለኃብጅነትገረጽኅኛ

Special arrangements to adapt to someone or something.

accompany

ፈረኛጽፍኛ

To go somewhere with someone as a friend, companion or escort.

accused

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A person who is accused or charged with a crime.

aid

ፈኔረኛጽፍኛ

To help.

announce

ጋኅኛበጽበጽፍኛ

To make a public or formal speech.

anxious

ፈረጊኛጽፍኛ

To feel worry, unease, or nervousness.

arrest

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

B

bail hearing/ judicial interim release/ show cause hearing

በጋራ/ፍርድ ቤት ማታወቂያ

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

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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

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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

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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.

challenge

To argue about the truth of something.

charge

The offence that an accused is said to have committed. Another word is allegation or accusation.

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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

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

condition

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.

$\Delta^{ab}b^{ab}\supset\Delta\Delta^b$

court appearance

Δ^εb b^ε ∩ Δδ^ε j_n < ε b^ε σ^ε b

court circuit

Δ^εb b^εb Δ^ιc ρρc^a ρΔ^εb < b Δc

court clerk

အနုပညာအဖွဲ့အစည်းများ

court reporter

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credibility

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The quality of being trusted and believed.

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

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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

ᐱᓕᓯᓂᓐᓄᓐᓄᓐ ᐱᓕᓯᓂᓐᓄᓐᓄᓐ ᐱᓕᓯᓂᓐᓄᓐ

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

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

decision

The final result of a case, decided by a judge or jury after the prosecutor and defence make their arguments. Also, a decision decided by a judge on a question within a case and a decision about the punishment that an offender is to receive.

defence counsel

The lawyer for the accused.

detained

To be kept in jail.

disagree

To not agree with someone or something.

disclosure

This is evidence that the prosecutor will use at a trial to prove that the accused committed the crime with which they have been charged. The prosecutor has to give disclosure to the accused or his lawyer so that they can be fully aware of why they have been charged. This allows the accused to point out any mistakes that the police may have made during their investigation or to argue that their rights have been violated by the police. It also allows the accused to know the details of what the prosecutor says they did so that they can explain to the court their side of the story to prove why they didn't commit the crime, or why they had a valid legal reason to do something that is normally a crime.

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

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To inspect or test something in detail.

Federal Victim Registration

If someone is a victim to a federal offence, they are placed on a Federal Victim's List. This means that you are informed of when the offender is up for parole, and if and when they will be released. The offender is not given any of the victim's information about being on this list. They are however allowed to see the victim's impact statement. *See victim impact statement.*

በግንኙነት

Court record of any documents or pleadings. The court keeps a record of all information filed by RCMP, lawyers, probation officers, correctional facilities, etc.

[illegible]

The punishment of having to pay money to the court.

$\rho^c c^{-\epsilon} \leq \Gamma \Delta^{\epsilon} b \Delta \Delta^b d^{\epsilon} \sigma^{\epsilon} b$

The first time a person who is charged attends court after their bail hearing.

G

gallery

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

giving evidence

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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

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

H

homicide

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When one person is killed by another person.



incarceration

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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

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Same as “incarceration”

indictable offence

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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

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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

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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.*

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interpreter

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J

Δ⁹6⁹Δ⁹Δ⁹

judge alone trial

[illegible]

judge and jury trial

$\Delta^{56}\text{Fe} \rightarrow \Delta^{56}\text{Ni}$ $\dot{\rho}_c \propto \rho_c$ $\Delta^{56}\text{Fe} \rightarrow \Delta^{56}\text{Si}$

11

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

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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

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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

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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

Nunavut Victim Services

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.



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offence

The act of breaking the law.

offender**ጸናኑኃኛ**

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

P

pardon**ጸናኑሚድሮኑጋታ፣ ካሙኒሽን**

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

parole**ፋይድሬሽን ፖሊስ ፋይድሬሽን**

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**ፋይድሬሽን ፖሊስ ፋይድሬሽን**

Another term for oral testimony.

parole hearing**ፋይድሬሽን ፖሊስ ፋይድሬሽን**

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.

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peace bond

በርዕሱ ላይ የግልጽ ምልክት የሚገኝ ሲሆን

penitentiary

◀ 0^c c^b jⁱ 6^q 4^r 6^b

plea

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preliminary hearing

[illegible]

preliminary inquiry

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See preliminary hearing.

$$\Delta \rho^a \rho^c \triangleright \sigma^b \bar{b}^c \triangleleft \epsilon^b$$

presumed innocent until proven guilty

[illegible]

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probation

Δ^{5b}b^{5b}γ^{5b}CD^{5b}CD^{5b}Π^{5b}γJ ΔγD-Δ^{5b}b^{5b}ΠCDσ^{5b}

This is an additional sentence that a judge can put on an offender who has been sentenced to some punishment that is less than two years of jail time (including a fine) where an offender promises they will behave and follow the conditions of their probation order. They are supervised by a probation officer, called a Community Corrections Officer in Nunavut.

probation order

[illegible]

A document from the court signed by an offender who has been found guilty and sentenced to a term of probation. A probation order may be made when an offender is not sent to jail or after a period of jail that is less than two years. The offender must follow the terms of a probation order.

promise to appear

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A written and signed promise made by an accused that they will go to court on a specific day.

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R

[illegible]

မင်းသား

18

၎င်းတို့သည် အောက်ဖော်ပြပါအတိုင်း ဖြစ်ပေါ်ခဲ့သည်။

remand

Δ^αβ^βγ^αδ^αε^αζ^α η^αθ^αι^ακ^αλ^αμ^αν^αξ^αο^απ^αρ^ασ^ατ^αυ^αφ^αχ^αψ^αω^α

remorse

$$L\Gamma\triangleleft^a\sigma^{\mathfrak{c}b}$$

restitution orders

[illegible]

rights

Λ²Ω▷Π⁵σ⁵ Δ⁵β⁵γ⁵▷σ⁵Γ⁵ Ω⁵Π⁵σ⁵

right to a trial by fair and impartial jury

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20

right to counsel

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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

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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

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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

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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.

sentence

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The kind of punishment that a judge will order on an accused who has been found guilty of a crime.

sentencing hearing

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A hearing to decide what kind of sentence (punishment) an accused should get.

sheriff

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The sheriff is a peace officer who works for the court. A sheriff's duties include keeping the courtroom safe and carrying out the orders of the court.

show cause hearing

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Another term for a bail hearing.

statement

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What a person says about something that happened that they witnessed.

stay of proceedings

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The Crown can stop criminal proceedings at any time before the court makes a judgment. This is called a stay of proceedings. The law allows the Crown to start the prosecution up again within one year, if they have a good reason to do this.

subpoena

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A court order requiring a person to go to court.

[illegible]

summons

A court order for a person to attend court.

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surety

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.

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23

testify

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To give evidence under oath or affirmation.

testimonial aid

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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

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

threatens life

[illegible]

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

transcript

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

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trial date

Δ^αβ^βγ^βδ^αε^αζ^αη^αθ^αι^ακ^αλ^αμ^αν^αξ^αο^απ^αρ^ασ^ατ^αυ^αφ^αχ^αψ^αω^α

The date that a trial is scheduled to happen.

U

LC**G**H**S**N**C**D**S** Δ**S**b**S**J**S**C**D**C**D**S**N**a**J**

A promise that can be enforced by the law. Some types of undertaking include :

1. A promise to the court to that a person will go to court when they are supposed to, and to follow any rules that the court has made, in order to be released from custody before trial. Breach of undertaking is a crime. This is different from a recognizance, because an undertaking does not require a promise to pay money or a cash deposit.
2. A term used for a promise made by a lawyer to another lawyer or to a court to do something or not to do something. It is a serious matter for a lawyer to fail to honour their undertaking.

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**ኾኔጋሪ**

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**ኾኔጋሪ ልሳኝ**

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

Y**young offender****ልጋሪ ልሳኝ**

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.



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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.

