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نام:
نام خانوادگی:
محل امضاء:

اگر دانشگاه اصلاح شود، مملکت اصلاح می‌شود.
امام خمینی (ره)

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جمهوری اسلامی ایران
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سازمان سنجش آموزش کشور

آزمون ورودی دوره‌های کارشناسی‌ارشد ناپیوسته داخل ـ سال ۱۳۹۴

مجموعه حقوق ـ کد ۱۱۲۶

تعداد سوال: ۳۱۰ — مدت پاسخگویی: ۱۲۰ دقیقه

عنوان مواد امتحانی، تعداد و شماره سوال‌ها

ردیف	مواد امتحانی	تعداد سوال	از شماره	تا شماره	ردیف	مواد امتحانی	تعداد سوال	از شماره	تا شماره
۱	متون حقوق به زبان انگلیسی	۳۰	۱	۳۰	۱۰	حقوق اساسی	۱۵	۱۷۱	۱۸۵
۲	حقوق مدنی	۲۰	۳۱	۵۰	۱۱	حقوق مدنی (تعهدات)	۱۵	۱۸۶	۲۰۰
۳	حقوق تجارت	۱۵	۵۱	۶۵	۱۲	حقوق بین‌الملل خصوصی	۱۵	۲۰۱	۲۱۵
۴	آیین دادرسی مدنی	۱۵	۶۶	۸۰	۱۳	آیین دادرسی کیفری	۱۵	۲۱۶	۲۳۰
۵	متون فقه	۲۰	۸۱	۱۰۰	۱۴	حقوق جزا و آیین دادرسی کیفری	۱۵	۲۳۱	۲۴۵
۶	حقوق جزای عمومی	۱۵	۱۰۱	۱۱۵	۱۵	سازمان‌های بین‌المللی	۱۵	۲۴۶	۲۶۰
۷	حقوق جزای اختصاصی	۲۰	۱۱۶	۱۳۵	۱۶	دروس ویژه رشته‌های معارف اسلامی و حقوق و حقوق خانواده	۳۵	۲۶۱	۲۹۵
۸	حقوق بین‌الملل عمومی	۲۰	۱۳۶	۱۵۵					
۹	حقوق اداری	۱۵	۱۵۶	۱۷۰	۱۷	حقوق ارتباطات	۱۵	۲۹۶	۳۱۰

این آزمون نمره منفی دارد.
استفاده از کتاب قانون مجاز نیست.

بهمن ماه ـ سال ۱۳۹۳

متون حقوق به زبان انگلیسی:

***Directions**: Read the following five passages and select the answer choice (1), (2), (3), or (4) that best answers each question. Then mark your answer on your answer sheet.*

Passage 1:

Several attempts to think internationally appeared in the 19th century. The founding of the International Committee of the Red Cross (ICRC) was an early effort to find world agreement, in the absence of a world government, to set limits to war making. The ICRC was founded in Geneva, Switzerland August 22, 1864 in a meeting prompted by concern over the neglect of the sick and wounded at Solferino in the Franco-Austrian War of 1859. A Swiss citizen, Henri Dunant, was the prime mover and the Swiss government was the convener. The major result was a "Convention for the Amelioration of the Condition of the Wounded Armies of the Field." This document provided for the protection of the ambulance corps, and for doctors, nurses, and hospitals, as long as they functioned solely for medical purposes. A further meeting in 1868 proposed the same provisions for treating the sick and wounded at sea. Further ICRC meetings were held in 1906 to take account of events in the Spanish-American war.

1- What is the passage mainly about?
1) Thinking globally
2) The major concerns of ICRC
3) How the ICRC came into existence
4) How the wounded were helped in the 19th century

2- Which of the following is true about the ICRC?
1) It was neglected at Solferino.
2) It was established in Geneva.
3) It put an end to the Franco-Austrian War.
4) It came under heavy attack by Henri Dunant.

3- What does the word "prompted" in line 4 mean?
1) Concentrated 2) Perceived 3) Recovered 4) Motivated

4- When was the same proposal for treating the sick and wounded at sea made?
1) Four years after the establishment of the ICRC
2) Five years before the establishment of the ICRC
3) In 1864
4) In 1906

5- How many wars are mentioned in the passage?
1) Four 2) Three 3) Two 4) One

6- What does the word "solely" in line 10 mean?
1) Seriously 2) Secretly 3) Efficiently 4) Merely

Passage 2:

In Anglo-Saxon times there existed three fairly distinct legal systems: *The Dane Law*, which had been adopted after the invasions and settlement of Danish and Scandinavian warriors in the coastal areas of northern and northeastern England; *Mercian Law*, which bore traces of Germanic origin, following the Saxon invasions, and extended around the Midlands; *Wessex Law*, which applied in south and west England. In each of

the three systems the law was based on customs, and the customs varied from place to place and shire to shire. There was little distinction between criminal wrongs and civil wrongs at this time; the laws were generally primitive but nevertheless served to produce such good order as could be expected. But there were courts of law where cases were heard. The Anglo-Saxon courts before 1066 were: (i) The Shire Court (or Moot), presided over by the Sheriff, the Bishop, and the Ealdorman, and attended by the lords and freemen of the county, with the priest. This court sat twice a year. (ii) The Hundred Court ("hundred" means a division of a shire), presided over by the Hundredman, assisted by twelve senior thanes. (iii) The Franchise Courts, granted to certain persons by the monarch. The grantees were entitled to the profits, for the suitors or litigants who brought their cases to court for trial were required to pay fees. In Norman times the franchise courts were sometimes taken over by the lords of the manor who, in deciding disputes between tenants of land, continued the practice of charging fees.

7- Which of the following is the passage mainly about?

1) How the Saxons made advanced laws
2) Historical sources of English law
3) Courts in Norman times
4) Laws based on customs

8- Which part of England was under the rule of *Wessex Law*?

1) Northeastern England 2) Southeastern England
3) Midlands 4) West England

9- What does the word "warriors" in line 3 mean?

1) Sailors 2) Criminals 3) Combatants 4) Warships

10- What is the author's attitude toward the legal system in Anglo-Saxon times?

1) Favorable 2) Scornful 3) Indifferent 4) Hostile

11- Which of the following courts was granted to certain people by the king?

1) The Shire Court 2) The Franchise Court
3) The Dane Court 4) The Hundred Court

12- Which court was held a limited number of times each year?

1) The Shire Court 2) The *Wessex* Court
3) The Hundred Court 4) The Franchise Court

Passage 3:

International criminal law is a branch of international law. Therefore, it draws upon the same sources, namely conventions, custom, and general principles of law. By analogy with the awards of early international arbitral tribunals, the decisions of international criminal courts or tribunals provide many examples of resort to general principles of law. Why have international criminal courts and tribunals so far had frequent recourse to such principles? The following four reasons may explain this.

First, international criminal law is a relatively new branch of international law. It is relatively new because the list of international crimes has gradually emerged and the rules of international criminal procedure are scarce and belong only to the criminal court or tribunal for which they were adopted.

Secondly, international criminal law is somewhat rudimentary. This is because the elements of international crimes (the objective element or *actus reus*, and the subjective element or *mens rea*) have not been immediately obvious, and because international law does not lay down any scale of penalties. These two reasons lead international criminal

courts and tribunals to turn to general principles of law in order to fill the legal gaps and to interpret imprecise legal rules.

Thirdly, international criminal courts and tribunals need to take decisions based on compelling legal arguments. Recourse to general principles of law is an effective means of reinforcing legal reasoning.

Finally, international criminal law has primarily developed by importing domestic criminal law concepts and institutions into the international realm. Thus, given the analogies between many concepts and institutions of domestic criminal law and international criminal law, international criminal courts and tribunals have transposed into the international arena some of those concepts and institutions by means of general principles of law.

13- Which of the following does the international law NOT draw upon?

1) Custom 2) Conventions
3) Divine sources 4) General principles of law

14- What does the word "they" in paragraph 2 refer to?

1) Tribunals
2) Criminal courts
3) International crimes
4) Rules of international criminal procedure

15- Which of the following is NOT mentioned as a reason why international criminal law resorts to general principles of law?

1) It is based on domestic law concepts.
2) It is based on immeasurable criteria.
3) It is basic.
4) It is new.

16- Which of the following is closest in meaning to the word "compelling" in paragraph 4?

1) Obligatory 2) Lenient 3) Convincing 4) Temporary

17- Which of the following best represents the nature of international criminal law?

1) Imbalanced 2) Irregular 3) Undeveloped 4) Unfair

18- What would the author most probably discuss in the next paragraph?

1) Discuss the advantages of domestic law
2) Elaborate on the general principles of law
3) Mention a fifth reason against international criminal law
4) Sum up the reasons for the inadequacies of international criminal law

Passage 4:

Law comprises all the principles, rules, and enactments that are applied in the courts and enforced by the power of the state. The word law is often used in contrast with the separate set of rules and precedents known as equity, a distinction that is important in England and the United States, and in other jurisdictions that draw their legal systems from the same historical source. In the United States it is customary to identify a legislative enactment as a law, whereas in England the preferred term is act.

In the highly developed modern state the citizen is cared for and governed by the law from the cradle to the grave. Indeed the span goes beyond both extremes, for the question of abortion is subject to regulation by law, and after death the law will see that a decedent's will is put into effect, if it meets legal requirements.

In early times, legal systems concentrated on a few matters that seemed to be the most urgent: the maintenance of civil peace, the suppression of crimes of violence, the protection of property, and the enforcement of contemporary moral standards in family relations. Gradually the scope of law was extended, so that it is difficult to find modern examples of human conduct that are not in some way regulated by law.

19- Which of the following issues is NOT discussed in the passage?

1) The origin of the term law
2) The activities of early legal systems
3) The scope of law in modern times
4) The application of law to matters of urgency

20- The word "it" in paragraph 2 refers to ……. .

1) question 2) will 3) span 4) law

21- Why does the writer refer to abortion in the second paragraph?

1) To analyze its legal requirements
2) To introduce an issue that lies outside the scope of law
3) To emphasize the need for abortion to be regulated by law
4) To support the idea that the span of law goes beyond birth or death

22- According to the passage, early legal systems dealt with all of the following EXCEPT ……. .

1) keeping peace 2) modernizing human conduct
3) fighting violence 4) protecting morality

23- It can be inferred from the passage that ……. .

1) the terms "law" and "act" refer to the same thing
2) it has always been the duty of the courts to determine the scope of law
3) modern legal systems pay less attention to human behavior than early legal systems did
4) the legal systems in England and the United States originated from completely different historical sources

24- There is sufficient information in the passage to answer which of the following questions?

1) How is it that those in the U.S. avoid using "act" in place of "law" to identify a legislative enactment?
2) Why are the England and the United States' legal systems based on the same historical source?
3) Why does the author refer to the expression "from the cradle to the grave" in paragraph 2?
4) What has led to the extention of the scope of law in the course of time?

Passage 5:

The second aspect of reciprocity arising for discussion concerns the nature of a diplomatic assurance of reciprocity. In substance, if not in form, it would appear to have the same effect as a treaty. Two kinds of declaration must, however, be distinguished. On the one hand, there is the declaration of reciprocity *ad hoc*, by which one party assures the other that if extradition of a named individual is conceded, then in 'an analogous case' it will in turn reciprocate favour. This method seems to be the one most often employed in South America in the absence of treaty obligations. It is obviously a poor substitute for regular treaty relations, since the obligation contracted is discharged