

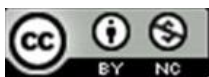
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**SOME LINGUOSTYLISTIC PROPERTIES OF COUNCIL OF EUROPE  
CONVENTION ON ACCESS TO OFFICIAL DOCUMENTS AND ITS  
ARMENIAN TRANSLATION**

**ABSTRACT**

The present article is devoted to the study of some linguostylistic features of Legal English in general and to the properties typical of the Council of Europe Convention on Access to Official Documents and its respective Armenian translation in particular. The purpose of the study is to analyze pieces of legal discourse, identifying its main features, especially those related to graphology, lexis, morphology and syntax. In particular, within the framework of this article an attempt has been made to present some linguostylistic peculiarities of Legal English (written) based on the study of a definite legal document. Parallels are drawn between the original text and its Armenian translation. The investigation has disclosed not only the degree of complexity of Legal English in both documents, but also emphasized the fact that the Convention has its own stereotyped format

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and structure, its typical choice of words and parts of speech, sentence length and construction. The Armenian translation of the original document is well done, suggesting that the translator has had specialized knowledge relevant to the given field which has resulted in a competent and correct translation.

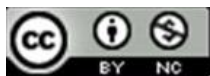
***Key words:** Legal English, graphology, lexis, morphological features, syntactical characteristics.*

## **РЕЗЮМЕ**

### **НЕКОТОРЫЕ ЛИНГВОСТИЛИСТИЧЕСКИЕ ОСОБЕННОСТИ КОНВЕНЦИИ СОВЕТА ЕВРОПЫ О ДОСТУПЕ К ОФИЦИАЛЬНЫМ ДОКУМЕНТАМ И ЕЕ ПЕРЕВОДА НА АРМЯНСКИЙ ЯЗЫК**

Статья посвящена изучению некоторых лингвостилистических особенностей юридического английского языка в целом и свойств, характерных для Конвенции Совета Европы о доступе к официальным документам и ее соответствующего армянского перевода в частности. Цель исследования – проанализировать фрагменты юридического дискурса, выявив его основные черты, особенно связанные с графологией, лексикой, морфологией и синтаксисом. В частности, в

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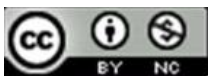
рамках данной статьи предпринята попытка представить некоторые лингвостилистические особенности юридического английского (письменного) на основе изучения конкретного юридического документа. Проводятся параллели между оригинальным текстом и его армянским переводом. Исследование выявило не только степень сложности юридического английского языка в обоих документах, но и подчеркнуло тот факт, что Конвенция имеет свой стереотипный формат и структуру, свой характерный выбор слов, длину предложения и построение. Армянский перевод оригинального документа говорит о том, что переводчик обладал специальными знаниями относящимся к данной области, что привело к грамотному и правильному переводу.

*Ключевые слова:* юридический английский язык, графология, лексика, морфологические признаки, синтаксические характеристики.

ԱՄՓՈՓՈՒՄ

ՊԱՇՏՈՆԱԿԱՆ ՓԱՍՏԱԹՂԹԵՐԻ ԵՎ ԴՐԱՆՑ ՀԱՍԱՆԵԼԻՈՒԹՅԱՆ ՄԱՍԻՆ ԵՎՐՈՊԱՅԻ ԽՈՐՀՐԴԻ ԿՈՆՎԵՆՑԻԱՅԻ ԵՎ ԴՐԱ ՀԱՅԵՐԵՆ

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ԱՌԱՆՁՆԱՀԱՏԿՈՒԹՅՈՒՆՆԵՐԸ

Սույն հոդվածը նվիրված է իրավաբանական անգլերենի որոշ լեզվաոճական առանձնահատկությունների ուսումնասիրությանը ընդհանրապես և Պաշտոնական փաստաթերթին հասնելիության մասին Եվրոպայի Խորհրդի կոնվենցիային և դրա հայերեն թարգմանության բնորոշ հատկություններին: Ուսումնասիրության նպատակն է վերլուծել իրավական դիսկուրսը հատկապես գրաֆոլոգիայի, բառապաշարի, ձևաբանության և շարահյուսության տեսանկյունից: Սույն հոդվածում նաև փորձ է արվել ներկայացնել իրավական անգլերենի (գրավոր) որոշ լեզվաոճական առանձնահատկություններ: Զուգահեռներ են տարվել բնագրի և հայերեն թարգմանության միջև: Հետազոտությունը բացահայտում է ոչ միայն իրավական անգլերենի բարդության աստիճանը նշված երկու փաստաթղթերում, այլև ընդգծվում է, որ Կոնվենցիան ունի ուրույն կարծրատիպային ձևաչափ ու կառուցվածք: Փաստաթղթի բնօրինակի հայերեն թարգմանությունը վկայում է, որ թարգմանչի՝ տվյալ ոլորտին առնչվող մասնագիտական գիտելիքների շնորհիվ կատարվել է գրագետ և ճիշտ թարգմանություն:

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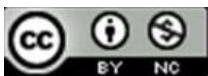
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*Բանալի բառեր՝ իրավաբանական անգլերեն, գրաֆոլոգիա, բառապաշար, ձևաբանական առանձնահատկություններ, շարահյուսական բնութագրեր:*

Legal English differs from literary standard English as it refers to the style or sub-style of English used in the legal profession and work. It is, for example, the language used in judicial opinions, deeds, international protocols, contracts and statutes. In general, Legal English is the type of English used in legal writing. This definition is the result of study of many scholars (Tiersma, 1999; Wydick, 2005; Oates and Enquist, 2009; Bhatia, 2010) who discuss the legal variety of English only in its written form and regard legal language as legal writing.<sup>1</sup> In general, legal language/writing is a formalized language based on logic. It differs from other functional varieties of English in vocabulary, morphology, syntax, semantics. This discourse variety aims at achieving consistency and validity, preciseness and factitiousness, conciseness and clearness, correctness and completeness. The application of specialized vocabulary/terms, phrases and linguistic patterns is a must in legal discourse.

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The term *legalese* used in the sense of *legal language* is a term emphasizing legal writing as specialized discourse of lawyers, as “reader-unfriendly” language not easily comprehensible for those out of the profession.<sup>2</sup>

Legal writing is considered to have three basic subtypes:

- academic legal writing (as in law journals),
- juridical legal writing (as in court judgments),
- legislative legal writing (as in laws, regulations, contracts, and treaties) (Bhatia, 1993; 2010).

The language used by lawyers to communicate with clients in a written, more “reader-friendly” style can be considered another variety of Legal English (Goddard, 2010).

Dennis Kurzon (1989: 284) offers two terms for specific legal procedures and argues that **language of the law** is “the language or the style used in documents laying down the law”, while **legal language** refers to the language that is “used to talk about the law”. The latter, as mentioned before, can appear in written forms (judgments, textbooks, etc.), as well as in oral forms (formal speech, witness questioning, etc.). However, Legal English has particular relevance when applied to legal writing and drafting

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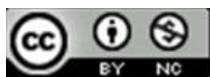
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of written material, including numerous **types of legal documents**, particularly

- ✓ Instrument – a formal legal document that grants or proves the grant of a right (deeds, wills, mortgages, etc.).
- ✓ Pleading – a formal statement by a party in the context of litigation (complaints, answers, summons, case reports, etc.).
- ✓ Contract – This is any written agreement between parties that creates mutual obligations enforceable by law (agreements, conventions, joint contracts, etc.).
- ✓ Act – This is the body law or proposed law, referring to the creation or change of the existing law (acts of Parliament and subordinate legislation, public general acts, local and personal acts, etc.).
- ✓ Document – This is any other communication set to a permanent medium that is relevant to a legal issue (police reports, correspondence, etc.).<sup>3</sup>

It is thus evident that as a domain specific discourse of English, all the types of Legal English follow certain, clear-cut lexical and syntactic rules, norms and patterns typical of only themselves. Hence, it is the lexical, syntactic, semantic peculiarities of Legal English (written) that we will

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discuss in the present paper based on the study of the Treaty of Council of Europe Convention on Access to Official Documents. An attempt to draw parallels between the original text and its Armenian translation will also be made, with the aim of clarifying certain aspects of legal translation.

## 1. GRAPHOLOGICAL AND LEXICAL FEATURES

The first property to be discussed referring to the Council of Europe Convention on Access to Official Documents (Tromsø, 2009) and its Armenian translation (2022) is the graphology or the graphological level. The text is well organized from the start to the end – syntactical division being the most apparent one. The text is divided into paragraphs, sections, units, subunits. Paragraphing is used to underline the new information that is presented in the document. To mark the mentioned divisions, different means are used: capitalization of the initial letters, usage of the bold font for titles, headlines or sometimes for sentences. Uppercase or capital letters are used to stress names of documents, titles, main sections. The original capitalization is also preserved in the Armenian equivalent of the document.

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*COUNCIL OF EUROPE CONVENTION ON ACCESS TO  
OFFICIAL DOCUMENTS*

*«ՊԱՇՏՏՈՆԱԿԱՆ ՓԱՍՏԱԹՂԹԵՐԻ ՄԱՏՉԵԼԻՈՒԹՅԱՆ  
ՄԱՍԻՆ» ԵՎՐՈՊԱՅԻ ԽՈՐՀՐԴԻ ԿՈՆՎԵՆՅԻԱՆ*

According to the linguistic norms of English, the first letter of each word is capitalized in the names of organizations, institutions and conventions, and high-rank positions. Armenian linguistic norms require that only the first letter is capitalized in the respective Armenian names.

*Council of Europe – Եվրոպայի խորհուրդ*

*United Nations – Միավորված ազգերի կազմակերպություն*

*Convention for the Protection of Human Rights and Fundamental*

*Freedoms – Մարդու իրավունքների և հիմնարար*

*ազատությունների պաշտպանության կոնվենցիա Secretary*

*General of the Council of Europe – Եվրոպայի խորհրդի*

*գլխավոր քարտուղար*

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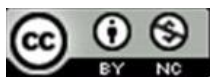
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Capitalization can also be observed in the initial part of the Preamble of the English text to emphasize the paramount importance of introducing the Document, thus distinguishing the even more significant sections of speech from the rest of the sentence. In this case the initial letters of capitalized words appear in even a larger size to mark the beginning of the sentence (*Concerned states ...; Group of specialists ...*). However, the Preamble of the Armenian version refrains from using capital letters (*Չահագրգիռ պետություններ, մասնագետների խումբ*), and this fact can be accounted for by the differences in the graphical traditions of English and Armenian. It should be noted that some sections are written in a smaller font size marking that a certain section is lower in its importance than others. Punctuation plays an important role in legal discourse. Old legal texts in English did not have punctuation marks and this fact created difficulties for the readers, because sometimes a paragraph consisted of a long complex sentence with the absence of punctuation marks that drew up ambiguity for readers. Nowadays legal texts look different because they are more organized and more properly punctuated. Commas, semicolons, full stops are used to mark the beginning and the end of a sentence, clause,

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phrase. Commas and semicolons are used when there are enumerations. And when additional information is used in the text, dashes are employed.

In the English text of the Convention different applications of punctuation are observed:

*Have agreed as follows:*

*provides a source of information for the public;*

*national security, defence and international relations;*

*Article 9 – Complementary measures*

Due to the complicated nature of Armenian syntax and word order, the need for precise punctuation is inevitable. Consequently, the Armenian version of the Convention makes use of punctuation marks not only in the cases mentioned above, but also in nearly all the sentences of the Articles. Enumeration is also very important in legal English. The purpose of this use is to maintain accuracy and avoid ambiguity. Here are some examples of enumeration from the text of the Convention: *national security, defense and international relations – ազգային անվտանգություն, պաշտպանություն և միջազգային հարաբերություններ; public safety,*

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*the prevention, investigation and prosecution of criminal activities – հասարակական անվտանգություն, հանցավոր գործունեության կանխարգելումը, հետաքննությունը և հետապնդումը; disciplinary investigations, inspection, control and supervision by public authorities կարգապահական քննություն, հսկողություն (զննում), պետական մարմինների կողմից վերահսկում և կառավարում; etc.*

Specific lexical properties and the distinct character of the Convention – the **vocabulary** – is strictly formal and standard (*considering – հաշվի առնելով; with regard to – այս առնչությամբ; concerning the protection – պաշտպանության վերաբերյալ; efficiency – արդյունավետություն; effectiveness – էֆեկտիվություն; fosters the integrity – խթանում է ամբողջականությունը*), complying with the norms of the style to the highest degree. Literary language is the only language used within the context, no colloquial expressions are used. Lexical properties more typical of the style include:

- ✓ Archaic expressions: *therefore – ուստի, հետևաբար, thereafter – այսուհետև, whereof – ի հաստատումն, hereafter – այսուհետ, heretofore – մինչ այս, herein, hereby – սույնով, hereinafter – ներքոհիշյալ, thereto - բացի դրանից*. It is worth noting that

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there are cases where the original archaism *thereafter* has been omitted in the Armenian translation of the Convention. The omission is not justified as we have the corresponding Armenian terms *սրանից հետո, այդ սահից ի վեր, հետևաբար* (Kouyoumdjian, 1981: 1272) to be selected for use in a certain context. While certain English units are archaic, their Armenian equivalents are not (*thereto - բացի դրանից*). We also come across the opposite case – some everyday-English usages are translated into Armenian in archaic units (*present - նւի՛ն*). Both the Armenian and English archaisms are high frequency words in legal discourse. They are a must when an exact reference to the document, its parts or contracting parties is made. Besides, the use of archaic expressions is a tradition in the given discourse. However, sometimes archaisms do not contribute to comprehension, create difficulties for ordinary people and sometimes even seem unnecessary additions to the text. This is the reason why not all legal discourse creators tend to use archaisms – they are replaced by respective phrases or simply left out.

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- Some of the factors that make the English legal terminology unique and complex include the use of synonym pairs/doublets/binomials) referring to the same legal concept. Convention document is considered to be one of them. Here are some examples of synonymous English usages from the document of Convention translated in one and the same Armenian equivalent: *provision, paragraph, article* – հոդված; *confirm, ratify* – հաստատել. The synonymous English meanings are just close to each other and they are used in legal documents with difference only in semantic and stylistic aspects. The legal use of the term *article* means *separate clause* or *item in an agreement or contract* (OALD, 2005: 72),<sup>4</sup> while *paragraph* is a *section subject* (OALD, 2005: 1099). Paragraphing is a typological device for arranging a legislative text. It involves dividing a sentence into grammatical units and arranging them as separate blocks of a text. *Provision* defines a *condition or an arrangement in a legal document* (OALD, 2005: 1215). Investigation of semantic relations between *confirm* and *ratify* reveals that the definition of the word *confirm* in the dictionary is rather wide: *to make a position, agreement, etc. more*

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*definite or official; to establish something. firmly* (OALD, 2005: 318), while *ratify* is a legal term with the proper meaning to *make an agreement officially valid by voting for or signing it* (OALD, 2005: 1215). Thus, the given units, as far as legal English is considered, are very closely related semantically. Most common types of synonym pairs in the text of the Convention – the noun-binominals *application* or *fulfillment* – կիրառում կամ կատարում; *aim* or *purpose* – նպատակ; *safety, security* or *protection* – անվտանգություն կամ պաշտպանություն, the verb-binominal *perform, exercise* or *execute* – կատարել, սպասնովել կամ իրականացնել, is a case in point.

- We should hasten to add however that the use of antonym pairs is not alien to legal English either. The inclusive effect and the ability of antonymous pairs to refrain from ambiguity and misunderstanding are obvious in the text of the Convention: *in whole, wholly* vs. *in part* – լրիվ vs. մասնակի. *request* vs. *refusal* – խնդրանք vs. մերժում.

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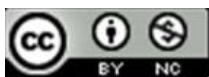
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Summing up, we can say that legal texts are more formal and lack many of the characteristic features of spoken language – both in the English and Armenian texts of the Convention.

## **MORPHOLOGICAL AND SYNTACTICAL FEATURES**

One of the most significant syntactical properties of legalese is the length and **complexity of sentences**. This complexity arises due to the wide use of complex syntactic structures such as subordinate clauses, conditional sentences and passive voice. Rylance (1994: 189), studying the problems of lengthy sentences, highlights the usage of repetition and word order. It is also important to note that complexity of sentence is only peculiar to written discourse. In general, written legal texts such as legislation and contracts prefer extreme explicitness. For the sake of precision and unambiguity, pronominalization tends to be avoided, as is the use of synonyms (except in coordinated binominals). Though, this does not mean that simple sentences are exceptions. They are used at the beginning of the text/paragraph, followed by syntactic parallelism. The following example from the Convention will illustrate the point:

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## Article 12

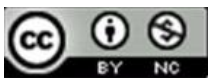
1. *The Constitution of the Parties shall be composed of one representatives per Party.*
2. *The Constitution of the Parties shall take place with a view to:*
  - a) *considering the reports, opinions and proposals of the Group of Specialists;*
  - b) *making proposals and recommendations to the Parties;*
  - c) *making proposals for the amendment of this Convention in accordance with Article 19;*
  - d) *formulating its opinion on any proposal for the amendment of this Convention made in accordance with Article 19.*

Legal texts in English rely heavily on another system of cohesion: the use of complex adverbs within complex sentences. For instance:

## Article 8

1. *An applicant whose request for an official document has been denied, **expressly or impliedly**, involving either reconsideration by a public authority or review in accordance with paragraph 1.*

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The sentences more often than not include adverbials and syntactical parallelisms.

Preamble

*The member States of the Council of Europe and other signatures **hereto**,*

*Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage;*

Section I

*1. The principles set out **hereafter** should be understood without prejudice to those domestic laws and regulations and to international treaties which recognize a wider right of access official documents.*

Article 22

*The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and any State and*

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*international organization which has acceded or been invited to accede to this Convention of:*

*a) any signature;*

*b) the deposit of any instrument of ratification, acceptance, approval or accession;*

*c) any date of entry into force of this Convention in accordance with Articles 16 and 17;*

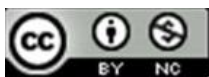
*d) any declaration made under Article 1.2, 3.1 and 18;*

*e) any other act, notification or communication relating to this Convention.*

*In witness **whereof** the undersigned, being duly authorized **thereto**, have signed this Convention.*

In legislation contracts, according to Trosborg (1995: 37) the modal verb *shall* is used with a mandatory force, that is, to impose obligations (while *must* and *have to* – which are common in the Conversation – tend to be avoided. The mandatory meaning is also conveyed through the present tense, especially in performative utterances representing the constitutive nature of law (grants of rights, assumption of obligations, etc.).

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Less frequently, *shall* also appears in future references and in predictions. In Armenian, this modality is expressed mainly through the present simple tense. Other modals have similarly dual functions: *may* (as well as *can*) expresses permission and possibility, sometimes leading to ambiguities and requiring legal interpretation over whether the deontic or the epistemic meaning is intended. The putative *should* is frequent in conditionals to express a theoretical possibility. In the English text of the Convention the modal verb *may* expresses permission which in the Armenian variant is conveyed by *կարող է* or *պետք է* within complex sentence structures. The modality of *shall/should* is often expressed by the present simple in the Armenian translation.

### Article 3

#### *Possible limitations to access to official documents*

*Each Party **may** limit the right of access to official documents.*

*Limitations shall be set down precisely in law, be necessary in a democratic society and be proportionate to the aim of protecting:*

*Յուրաքանչյուր կողմ **կարող է** սահմանափակել պաշտոնական փաստաթղթերի մատչելիության իրավունքը:*

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Մահմանափակումները պետք է հստակ սահմանվեն օրենքում, լինեն անհրաժեշտ ժողովրդավարական հասարակությունում, ինչպես նաև լինեն համաչափ ներքոնշյալ շահերը պաշտպանելու նպատակին.

## Article 1

### General provisions

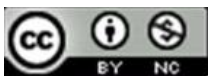
*The principles set out hereafter **should** be understood without prejudice to those domestic laws and regulations and to international treaties which recognize a wider right of access official documents.*

Ստորև սահմանված սկզբունքներն **ընդունվում են**<sup>1</sup>՝ չսահմանափակելով այն ներպետական օրենքները, կանոնակարգերն ու միջազգային պայմանագրերը, որոնցով ճանաչվում է պաշտոնական փաստաթղթերի մատչելիության ավելի լայն իրավունք:

## Article 2

### Right of access to official documents

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*Each party **shall** guarantee the right of everyone, without discrimination on any ground, to have access, on request, to official documents held by public authorities.*

*Կողմերից յուրաքանչյուրը **երաշխսավորում է** յուրաքանչյուր անձի՝*

*Ներկայացված հարցման հիման վրա, առանց որևէ շտրականության, պետական մարմինների տնօրինության տակ գտնվող փաստաթղթերի մատչելիության իրավունքը:*

*Each party **shall** take the necessary measures in its domestic law to give effect to the provision for access to official documents set out in the Convention.*

*Կողմերից յուրաքանչյուրն իր ներպետական օրենսդրության շրջանակներում **ձեռնարկում է** անհրաժեշտ միջոցներ՝ պաշտոնական փաստաթղթերի մատչելիության վերաբերյալ սույն Կոնվենցիայով սահմանված դրույթներն ուժի մեջ դնելու նպատակով:*

English language offers a variety of morphological and syntactical expressions and tools, which can be used in order to make the text coherent

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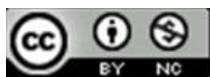
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and adequate to its purpose. It always depends on the author, whether the final version of his or her piece of work meets the requirements of its function. The right choices are crucial in the process of writing and speaking.

The definite article *the* is used in legal documents as determiner. The demonstrative pronoun *this* is used more frequently as a determiner. To make the text more cohesive, numerous conjunctives (i.e. conjunctions and conjuncts) are used. The typical conjunctions in legal documents are *and* and *or* at the level of coordination. Other most frequent conjunctions are *if*, *when*, *unless*, *that*, and *which*. Another linguostylistic marker is the 3<sup>rd</sup> person. There are no 1<sup>st</sup> and 2<sup>nd</sup> person pronouns used in the text of the Convention. The use of emphatic *there* with the 3<sup>rd</sup> person pronoun is to denote impersonality which is also peculiar to legal texts.

*ii Each Party, at the time of signature or **when** depositing its instrument of ratification, acceptance, approval or accession, **by** a declaration addressed to the Secretary General of the Council of Europe, declare **that** the definition of “public authorities” also includes one or more of following:*

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## Article 5

### Processing of requests for access to official documents

1. *The public authority shall help the applicant, **as far as** reasonably possible, to identify the requested official document.*

2. *A request for access to an official document shall be dealt with **by** any public authority holding the document. **If** the public authority does not hold the requested official document **or if** it is not authorized to process that request, it shall, **whenever** possible, refer the application or the applicant to the competent public authority.*

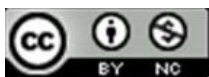
## Article 22

### Notification

*The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and any State and international organization **which** has acceded or been invited to acceded to this Convention of:*

*a) any signature;*

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*b) the deposit of any instrument of ratification, acceptance, approval or accession;*

*c) any date of entry into force of this Convention **in accordance with Article 16 and 17;***

*d) any declaration made under Articles 1.2,3.1 and 18;*

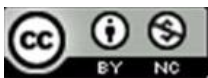
*e) any other act, notification or communication relating to this Convention.*

Obviously, anyone who is going to compose a legal document must follow certain norms or rules that are characteristic of legal documents. The composer should try to avoid ambiguity and apply the maximum degree of coverage and accuracy of references. It is important to always remember that legal documents are written to focus on the author, but not on the information presented, which is then used by someone else.

## CONCLUSION

Legal language has its own linguostylistic peculiarities: graphological, lexical, morphological and syntactical. All the mentioned features create a stylistic system that is regulated by certain rules in Legal English. Due to

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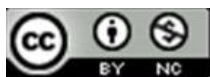
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the analysis of the Council of Europe Convention on Access to Official Documents and its Armenian Translation, we have disclosed not only the degree of complexity of Legal English in both documents, but also emphasized the fact that legal texts are quite different from other writings as they perform a serious mission and any mistake in the original and/or translated version can lead to serious problems. As any other legal document, the Convention has its own stereotyped format and structure, its typical choice of words and parts of speech, sentence length and construction. The Armenian translation of the original document, obviously a serious task, has been carried out well, suggesting that the translator has had specialized knowledge relevant to the given field which has resulted in a competent and correct translation.

## NOTES

1. However, it is necessary to add that this style of language is not confirmed to its written form only. The oral subtype of legal language can also be referred to as *law talk*.
2. Originally *legalese* is the language a lawyer might use in drafting a contract or a pleading but would not use in ordinary conversation.

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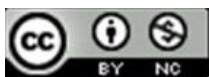
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3. See about this in Legislation (n/d) and Act (n/d).
4. The abbreviation OALD stands for Oxford Advanced Learner's Dictionary of Current English (2005), 7th edition, Oxford: OUP.

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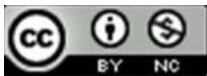
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URL:[http://www.parliament.am/law\\_docs\\_8/280322HO68\\_konventioncia.pdf](http://www.parliament.am/law_docs_8/280322HO68_konventioncia.pdf)

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