The Russian language, or that prevalent in the district, is used. An interpreter must be provided where required. The indictment and other documents must be handed to the accused in his native language, and if he requires it, also read aloud in that language. Documents may be put in by parties in their own language if they do not speak the language in which the trial is being conducted.

The professional judge presides and takes charge of the course of proceedings. It is his duty to check irrelevancies and to direct proceedings on the lines most likely to reveal the truth. Any objection to his rulings must be recorded by the clerk. The hearing must be uninterrupted save for breaks for rest: no other case may be interposed.

If the accused is disorderly, or disobeys the judge's directions, he must be warned. If this is ineffective, he may be removed, and the trial may proceed in his absence, the sentence being handed to him afterwards. Other persons who disobey the judge's directions may be removed, and also fined or detained for fourteen days. If a barrister, the court will report him to the Bar Council, and may adjourn the case, if the accused would be prejudiced by the immediate substitution of another barrister.

At the time fixed for the hearing, the chairman satisfies himself of the composition of the court, including the clerk, declares the court open, names the case, and orders the accused to be brought in. (An accused who has been on bail must continue on bail during the hearing unless the court specially orders otherwise, stating its reasons in writing.) The chairman satisfies himself of the identity of the accused, and asks him if he has been duly served with the indictment. Where the accused is liable to imprisonment, he must be present for the trial, unless he expressly consents to be tried in his absence, or it is proved that he has evaded service of the summons or is in hiding. In other cases the accused's presence is not compulsory, but the court may require it. Where his presence is compulsory, and he does not appear, the court will hear the parties present and adjourn the case, if necessary ordering the accused to pay the costs thrown away. It may direct the accused to be arrested and (where the law permits) detained until the adjourned hearing.

If the prosecutor or defending counsel fails to appear, the court will adjourn the case (unless the accused prefers to carry on without counsel) and report the non-appearance to the appropriate body for disciplinary action. If the civil claimant fails to appear, his claim is dismissed, without prejudice to his right to renew it later. In private prosecutions where the complainant does not appear, the case is dismissed, but the accused can insist on a hearing on the merits.

The chairman then checks the identity of the parties and their representatives. He ascertains whether all the witnesses are in attendance; if not, he decides after hearing the parties whether the trial should proceed in their absence. He inquires if anyone has any further applications for the summoning of witnesses or the production of material evidence, and if there are any, the court must deal with them on the merits, even where it has already refused them on the summons for directions. Moreover the parties may make such applications at any later stage of the trial.

All witnesses are brought into court and required to sign a statement that they have been warned of the penalties for giving false evidence, and then they are sent out of court and kept apart. After giving evidence they remain in court. Experts are usually allowed to stay in court throughout.

The chairman explains to the victim, if any, how to make his civil claim, if this has not already been done; he then carefully goes through the accused's rights with him, informing him of his right to put questions to witnesses, experts and his co-accused, and of his remarkable right to interrupt the proceedings at any moment if he has any comment to make. These rights are quite independent of defending counsel's rights, and illustrate the commonsense and humanity of Soviet procedure. In England the rigidity of the procedure is frequently frustrating to an accused person, who, bursting to intervene, is blandly told that his turn will come in due course.

The chairman tells the parties the names of himself and his colleagues, of the clerk and the prosecutor, and asks if there are any challenges, explaining what the parties' rights are.

The indictment is then read, or if the case has been committed for trial without preliminary investigation, the victim's complaint or a summary of the facts drawn up by the chairman.

The chairman explains the indictment to the accused in language he can understand, and asks him if he pleads guilty. If the accused pleads guilty, he is asked to add any explanation he desires to, and he will then be carefully examined both by the court and the procurator on the facts of the case. The court is not obliged to hear the evidence for the prosecution on a plea of guilty, and can go straight to speeches; however in practice it frequently hears all the evidence.

On a plea of not guilty, the chairman invites proposals from the parties on the order of witnesses, including the accused - another example of the flexibility of Soviet

procedure. Very often the accused is taken first, and he is examined first by the chairman, then by the lay justices, the prosecutor, the civil plaintiff, defending counsel and the other accused in that order. Accused persons jointly tried must be examined in each other's presence, unless there are exceptional circumstances, where separation is necessary to arrive at the truth. The accused is entitled to refuse to answer questions.

Witnesses, called into court one by one, are first asked by the chairman to relate all that they know about the facts, avoiding statements whose source cannot be verified. There are no formal rules of evidence; but the chairman may exclude irrelevant matter. Witnesses are bound to answer questions, and may be punished by the court if they do not. The only persons exempt from giving evidence are defending counsel, who may claim privilege, and those who are mentally or physically unfit to do so.

All parties may question the witness, the party who called him going first. If the court called the witness, the prosecution goes first. Each party may re-examine, and the questioning continues until nobody has any more questions to put - yet another illustration of flexibility, comparing favourably with our examination-in-chief, cross-examination, re-examination.

Witnesses may refer to notes where they are dealing with figures or other complicated matters hard to memorise. They may read from relevant documents, which must be shown to both parties and put in evidence.

Depositions may be used, as in England, to contradict the evidence given at the trial and also to assist a witness's memory. The accused's deposition may be read if he refuses to give evidence.

Full notes of all the evidence are taken by the clerk in longhand.

Experts make their reports orally to the court and then put them in in writing. Although experts are the court's witnesses, the court is not bound by their findings, but if it rejects them, it must give written reasons for doing so.

When all witnesses have been called, the court asks if any one desires any further evidence called, and if not, declares the hearing at an end.

Speeches are then made, first by the prosecutor, then by the civil plaintiff (or his representative), and last by defending counsel or the accused. Each side may claim the right to reply to what the others have said (another sensible rule) but the last word is always with the defence. If the

prosecutor becomes convinced that the facts do not warrant a conviction, he is entitled - and bound - to say so; but this does not absolve the court from the duty of arriving at a verdict. The court cannot impose any time limit for speeches.

After speeches, the accused (whether represented or not) is given the last word. He can say what he likes, and he must not be interrupted by anyone, not even by the court. This is one more admirable provision.

The court then retires to consider its decision. No one other than the three judges concerned may be present, not even the clerk or any substitute judge, or the decision will be automatically quashed on appeal.

The decision must be reached exclusively on the basis of the evidence given; the Code directs judges to decide according to their "inner conscience". After a discussion, led by the chairman, each judge, the junior first, expresses his opinion. No judge may abstain. The decision may be by a majority. The dissenting judge may write out his opinion, which is annexed to the judgment of the court, but not read out.

The judges arrive at answers to the following questions:

1. Did the act ascribed to the accused take place?

2. Is it a criminal offence?

3. Did the accused commit it?

4. Is he liable to punishment for it? If insanity is raised, the court must deal with it, even where it has already rejected it on the summons for directions. If the accused is found to have been insane when the crime was committed, further proceedings are stayed and the accused ordered to be confined if necessary. If he is found to have become incurably insane since the crime, further proceedings are stayed; if only temporarily, the case is adjourned until his recovery.

5. What punishment should be inflicted, and is the accused in a position to undergo it at once? Even if the accused is found guilty, the court will not pass any sentence if it finds the offence statute-barred or covered by an amnesty, or no longer socially dangerous. In these cases it discharges the accused. If for any other reason it considers a sentence inappropriate, it must report the case to the

Executive, with its reasons for suggesting a total remission of sentence. Where the court passes a sentence less severe than the minimum prescribed by law, the judgment must contain a statement of the normal sentence, the actual sentence and the reason for mitigation. If there are several charges, the court must impose a separate sentence for each, and may then direct which sentence is to be served (rather like our concurrent sentences).

6. The civil claim. If the court acquits the accused because his act was not a crime, the civil claim is summarily dismissed without prejudice to the civil plaintiff's right to renew his claim in civil proceedings. If the accused is acquitted because it is not proved that he did the act, the civil claim is dismissed on the merits and cannot be renewed. If the question of damages cannot readily be ascertained, the court may refer this to a civil court for assessment. If no civil claim has been made and the court considers one ought to have been made, it may give directions for this to be done.

7. Disposal of material evidence. Objects acquired by criminal means may be returned to their owners even if no civil claim has been made. Disputes as to ownership are referred to the civil court. The means by which the crime was committed (firearms, house-breaking tools) are forfeited; illicit objects are destroyed, or handed to the appropriate authority. Objects of no value are destroyed unless some one asks for them. All other objects are returned to the owner.

8. Costs. These are limited to witnesses' and interpreters' expenses, experts' expenses and fees, and the cost of storing material exhibits. They are borne by the accused if found guilty, or, if there are several accused, shared according to their means; and by the State on an acquittal. Where a reconciliation takes place, either party or both may be ordered to pay the costs. An offender who is found guilty but discharged may be ordered to pay costs.

The judgment ends by stating the time limit and procedure for an appeal - yet another admirable provision. It is written out by one of the judges and signed by all.

The judges come back into court, and the chairman reads out the judgment in the name of the Russian SFSR while all stand, including the members of the court.