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Part One. General Provisions

Section I. Basic Provisions

Chapter 1. Criminal-Procedural Legislation

Article 1. Laws Defining the Procedure for Criminal Court Proceedings

1. The procedure for criminal court proceedings on the territory of the Russian Federation is established by the present Code, based on the Constitution of the Russian Federation.

2. The procedure for criminal court proceedings, established by this Code, is obligatory for courts, prosecutor's offices, preliminary investigation and inquiry bodies, as well as for other participants in the criminal court proceedings.

3. The generally recognized principles and norms of international law and international treaties of the Russian Federation make up a component part of the legislation of the Russian Federation regulating criminal legal proceedings. If an international treaty of the Russian Federation has laid down the rules different from those stipulated by the present Code, the rules of the international treaty shall be applied.

Article 2. Operation of the Criminal Procedural Law in Space

1. Proceedings on a criminal case on the territory of the Russian Federation, regardless of the place of committing the crime, shall be conducted in conformity with this Code, unless otherwise stipulated by an international treaty of the Russian Federation.

2. The norms of the present Code shall also be applied in the procedure on a criminal case for a crime committed on an air, sea or river vessel, flying the Flag of the Russian Federation, and outside the territory of the Russian Federation, if the said ship is registered in a port of the Russian Federation.

Article 3. Operation of the Criminal Procedural Law with Respect to Foreign Citizens and Stateless Persons

1. Proceedings on the criminal cases, committed on the territory of the Russian Federation by foreign citizens or by stateless persons shall be conducted in conformity with the rules of the present Code.

2. The procedural actions stipulated by this Code with respect to persons having immunity against such actions in accordance with the generally recognised principles and norms of international law and international treaties of the Russian Federation, shall be carried out with agreement of the foreign state at whose service is or was a person having immunity, or of the international organisation a member of whose personnel they are or were.

Information as to whether the relevant person has immunity and on the volume of such immunity, shall be furnished by the Ministry of Foreign Affairs of the Russian Federation.

Article 4. Operation of the Criminal-Procedural Law in Time

In proceedings conducted in a criminal case, there shall be applied criminal-procedural law, operating during the performance of the corresponding procedural action or during the adoption of a procedural decision, unless otherwise is established by the present Code.

Article 5. Principal Concepts Used in this Code

Unless otherwise specified, the principal concepts, used in the present Code, shall have the following meaning:

1) **alibi** - the suspect's or the accused person's being in a different place at the moment when the crime is committed;

2) **appeals instance** - the court examining criminal cases on appeal upon complaints and presentations, filed against the sentences and rulings of the court which have not yet come into legal force;

3) **close persons** - other persons not including close relatives and relations maintaining a relationship with the victim or with the witness, as well as persons, whose life, health and welfare mean a lot to the victim or to the witness because of existing personal relations;

4) **close relatives** - husband, wife, parents, children, adopters, the adopted, blood brothers and sisters, grandfather, grandmother and grandchildren;

5) **verdict** - the decision as to whether the man on trial is guilty or not guilty, passed by a college of jurors;

6) **public prosecutor** - an official of the prosecutor's office acting for the prosecution in the name of the state in a court hearing of a criminal case;

7) **enquirer** - an official of the body of enquiry, possessing the legal right or authorized by the head of the body of enquiry to conduct the preliminary inquisition in the form of an inquest, and also the other powers specified in the present Code;

8) **enquiry** - the form of the preliminary inquisition, carried out by the enquirer (investigator) on a criminal case for which the conducting of the preliminary investigation is not obligatory;

9) **pre-trial procedure** - criminal court proceedings as from the moment of receiving a communication on the crime up until the prosecutor directing the criminal case to the court to be examined on the merits;

10) **living quarters** - an individual dwelling house with all the residential and non-residential premises included with it, living premises regardless of form of ownership, included in the housing fund and used for permanent or temporary residence, as well as some other building or structure, not included into the housing fund but used as a temporary residence;

11) **detention of the suspect** - the measure of the procedural coercion, applied by the body of inquiry, by the inquirer, the investigator for a term of not over 48 hours as from the moment of the actual detention of the person on the suspicion of his having committed a crime;

11.1) **a court's opinion** - a conclusion on the presence or absence of components of a crime in actions of the person in respect of which special criminal proceedings are applicable;

12) **legal representatives** - the parents, adopters, guardians or trustees of a minor suspect, of the accused or of the victim and the representatives of the institutions or organizations into whose care the minor suspect, the accused or the victim is placed, agencies of custody and guardianship;

13) **selection of a measure of restriction** - the adoption by the inquirer, the investigator, as well as by the court, of the decision on the measure of restriction with respect to the suspect orto the accused;

14) **cassation instance** - the court examining on appeal criminal cases upon the complaints and presentations against the sentences, rulings and resolutions of the first instance and of the appeals instance court, which have not yet entered into legal force;

14.1) **control over telephone and other talks** - tapping and recording conersations by using any communication means, examination of, and listening to, phonograms;

15) **moment of the actual detention** - the moment when the person, suspected of committing a crime, is actually deprived of the freedom of movement in conformity with the procedure, established by the present Code;

16) **supervisory instance** - the court, considering criminal cases by way of supervision upon the complaints and presentations against sentences, rulings and resolutions of the courts, which have entered into legal force;

17) **head of a body of inquest** - the official of a body of inquest, including deputy head of a body of inquest authorized to give orders to

carry out an inquest and urgently investigative actions provided for by this Code;

17.1) **the head of an inquiry unit** - an official of an inquiry body in charge of the relevant specialised unit who carries out preliminary investigation in the form of inquiry and also his deputy;

18) Abrogated;

19) **urgent investigative actions** - the actions performed by the body of inquiry after the institution of a criminal case, for which a preliminary investigation is obligatory, in order to expose and fix the signs of the crime, as well as the proof requiring an immediate certification, seizure and study;

20) **non-complicity** - the unestablished complicity or the established non-complicity of the person in the perpetration of a crime;

21) **night time** - an interval of time from 22:00 to 6:00 local time;

22) **charge** - the statement about the perpetration by a definite person of an action, prohibited by criminal law, put forward in accordance with the procedure established by the present Code;

23) **ruling** - any kind of decision, with the exception of a sentence, collectively passed by the first instance court in conducting legal proceedings on a criminal case, as well as the decision passed by a higher placed court, with the exception of the court of appeals or of the supervisory instance, when the corresponding court decision is revised;

24) **bodies of inquiry** - state bodies and officials authorized in conformity with the present Code to carry out an inquest and to exercise other procedural powers;

25) **resolution** - any kind of decision, with the exception of the sentence, passed by a judge on his own; the decision, passed by the presidium of the court when the court decision, which has come into legal force, is revised; the decision of the prosecutor, investigator or inquirer, taken when carrying out a preliminary investigation, with the exception of the conclusion of guilt or a bill of indictment;

26) **president of the court** - the judge who is leading a court session in the collegiate examination of a criminal case, as well as the judge, considering a criminal case on his own;

27) **presentation** - the act of the prosecutor's response to the court decision, made in accordance with the procedure established by the present Code;

28) **sentence** - the decision on whether the person on trial is or is not guilty, or on his relief from the punishment, passed by the court of the first or of the appeals instance;

29) **application of a measure of restriction** - the procedural actions, performed as from the moment of adopting the decision on selecting a measure of restriction and until it is cancelled or modified;

30) **juror** - the person, drawn into the participation in the court proceedings and into delivering a verdict in conformity with the procedure, established by the present Code;

31) prosecutor - the Prosecutor-General of the Russian Federation and the prosecutors in his/her subordination, as well as their deputies and other officials of a prosecutor's office participating in criminal court proceedings and vested with relevant powers by the federal law on the prosecutor's office;

32) **procedural action** - an investigatory, judicial or another action, stipulated by the present Code;

33) **procedural decision** - the decision adopted by the court, by the prosecutor, the investigator or the inquirer in accordance with the procedure, established by the present Code;

34) **rehabilitation** - the procedure for the reinstatement of the person, who has been unlawfully or groundlessly subjected to the criminal prosecution, in his rights and freedoms, and for the compensation of the harm done to him;

35) **rehabilitated person** - the person who possesses, in conformity with the present Code, the right to the recompense of the harm done to him in connection with an unlawful or a groundless criminal prosecution;

36) **retort** - an observation, made by the participant in the parties' presentations concerning the arguments voiced by the other participants;

36.1) **results of operative search activities** - data gained in compliance with the federal law on operative search activities, on the signs of a crime which is being prepared, committed or has been already committed, on persons who are preparing, committing or have committed a crime and have hidden from bodies of inquiry and investigation or from judicial bodies;

37) **relations** - all the other persons, except for the close relatives, related in kinship;

38) **investigative measures** - the measures, taken on the inquirer's or the investigator's orders by the inquirer or the investigator, as well as by the body of inquiry, for the identification of the person, suspected of committing a crime;

38.1) **chief of an investigatory agency** - the official who is at the top of the appropriate investigative subdivision, as well as his deputy;

39) Abrogated.

40) **witness's immunity** - the right of the person not to give evidence against himself and against his close relatives and also in the other cases specified in the present Code;

41) **investigator** - the official, authorized to conduct the preliminary investigation on a criminal case and also the other powers specified in the present Code;

41.1) **consent** - the permit of the head of an investigatory agency for an investigator, or the permit of a prosecutor for an inquirer, to make the

appropriate investigative or other procedural actions and to render procedural decisions by them;

42) **holding in custody** - keeping the person detained on suspicion of committing a crime, or of the accused, towards whom is applied a measure of restriction in the form of being put under arrest, into an investigatory isolation ward or into some other place, defined by the federal law;

43) **communication on a crime** - the statement about a crime, the surrender or the report on the exposure of a crime;

44) **specialized institution for the minors** - the specialized state body providing for the reformation of minors, set up in conformity with federal law;

45) **parties** - the participants in criminal court proceedings discharging on the competitive principle the function of the accusation (of the criminal prosecution) or of the defence from the accusation;

46) **party of the defence** - the accused as well as his legal representative, the counsel for the defence, the civil defendant and his legal representative and representative;

47) **party of the prosecution** - the prosecutor, as well as the investigator, chief of an investigatory agency, the inquirer, the private prosecutor, the victim, his legal representative and representative, the civil claimant and his representative;

48) **court** - any kind of the court of the general jurisdiction, examining a criminal case on the merits and passing decisions, stipulated by the present Code;

49) **court examination** - an expert examination, performed in accordance with the procedure, established by the present Code;

50) **court session** - the procedural form for administering justice in the course of the pre-trial and the court procedure on a criminal case;

51) **judicial proceedings** - a court session of the courts of the first, the second and the supervisory instances;

52) **first instance court** - the court, examining a criminal case on the merits and legally authorized to pass the sentence and to take decisions in the course of the pre-trial procedure on a criminal case;

53) **second instance court** - the courts of the appeals and of the cassation instances;

54) **judge** - the official authorized to administer justice;

55) **criminal prosecution** - procedural activity, performed by the party of the prosecution and aimed at the exposure of the suspect or the accused in committing the crime;

56) **criminal court proceedings** - the pre-trial and the court procedure on a criminal case;

57) **criminal law** - the Criminal Code of the Russian Federation;

58) **participants in criminal court proceedings** - the persons taking part in the criminal process;

59) **private prosecutor** - the victim or his legal representative and representative in the criminal cases of the private prosecution;

60) **expert institution** - the state forensic-medical expert examination or other institution, to which is entrusted the carrying out of the court examination in accordance with the procedure, laid down by the present Code.

Chapter 2. Principles of the Criminal Court Proceedings

Article 6. Purpose of the Criminal Court Proceedings

1. The criminal court proceedings are aimed at:

1) protecting the rights and the lawful interests of the persons and organizations, who (which) have suffered from the crimes;

2) protecting the person from unlawful and ungrounded accusations and conviction, and from the restriction of his rights and freedoms.

2. The criminal prosecution and the administration of the just punishment to the guilty persons shall correspond to the purpose of the criminal court proceedings in the same measure as the refusal from the criminal prosecution of the non-guilty ones, their relief from the punishment and the rehabilitation of everyone, who has been groundlessly subjected to criminal prosecution.

Article 7. Legality in the Criminal Court Procedure

1. The court, the prosecutor, the investigator, the body of inquiry and the inquirer shall have no right to apply a federal law contradicting the present Code.

2. The court having established the non-correspondence of a federal law or of another legal normative act to the present Code in the course of the criminal case shall take the decision in conformity with the present Code.

3. Violation of the norms of the present Code by the court, by the prosecutor, by the body of inquiry or by the inquirer in the course of the criminal court proceedings shall entail recognizing the proof obtained in this way as being inadmissible.

4. The rulings of the court, the resolutions of the judge, of the prosecutor, the investigator and the inquirer shall be lawful, substantiated and motivated.

Article 8. Administration of Justice by the Court Alone

1. Justice on a criminal case in the Russian Federation shall be administered only by the court.

2. Nobody shall be recognized as guilty of committing a crime and subjected to a criminal punishment other than under the court sentence and in accordance with the procedure, established by the present Code.

3. The man on trial cannot be deprived of the right to the consideration of his criminal case in that court and by that judge, under whose jurisdiction it is referred by the present Code.

Article 9. Respect of the Person's Honour and Dignity

1. During the course of criminal court proceedings shall be prohibited the performance of actions and the adoption of decisions, degrading the honour of the participant in the criminal court proceedings, and treatment humiliating his human dignity or creating a threat to his life or health.

2. No one of the participants in criminal court proceedings shall be subjected to violence or torture or to other kinds of cruel or humiliating treatment, degrading his human dignity.

Article 10. Immunity of the Person

1. No one can be detained on the suspicion of committing a crime or put under arrest in the absence of the legal grounds for this, envisaged in the present Code. Pending the court decision, no one can be detained for a term of over 48 hours.

2. The court, the prosecutor, the body of inquiry and the inquirer are obliged to immediately relieve any person, who has been illegally detained or illegally deprived of freedom, or illegally placed into a medical or psychiatric stationary hospital, or has been held in custody over a time term in excess of that stipulated by the present Code.

3. The person, with respect to whom was selected the measure of restriction in the form of being taken into custody, as well as the person detained on suspicion of committing a crime, shall be maintained under conditions precluding a threat to his life and health.

Article 11. Protection of the Rights and Freedoms of Man and Citizen in Criminal Court Proceedings

1. The court, the prosecutor, the investigator or the inquirer are obliged to explain to the suspect, the accused, the victim, the civil claimant and the civil defendant, as well as to the other participants in the criminal court proceedings their rights, responsibilities and liability, and to guarantee the possibility of exercising these rights.

2. If persons possessing witness immunity consent to give evidence, the inquirer, the investigator, the prosecutor and the court shall be obliged to warn the said persons that their testimony may be used as the proof in the course of the further proceedings in criminal case.

3. If there is sufficient data, testifying to the fact that the victim, the witness or other participants in the criminal court proceedings, as well as their close relatives, relations or their near persons are threatened with murder, violence, destruction or damage of their property, or with other dangerous illegal acts, the court, the prosecutor, the investigator, the body of inquiry and the inquirer shall take within the scope of their competence

with respect to the said persons measures of security, stipulated by the ninth part of Article 166, by the second part of Article 186, by the eighth part of Article 193, by Item 4 of the second part of Article 241 and by the fifth part of Article 278 of the present Code.

4. The damage inflicted upon the person as a result of a violation of his rights and freedoms by the court or by the officials conducting the criminal prosecution, shall be subject to recompense on the grounds and in accordance with the procedure, established by the present Code.

Article 12. Inviolability of Living Quarters

1. An examination of the living quarters shall be carried out only with the consent of the persons residing in them, or on the grounds of a court decision, with the exception of cases, stipulated in the fifth part of Article 165 of the present Code.

2. The search and the seizure in the living quarters may be performed on the ground of a court decision, with the exception of cases, envisaged in the fifth part of Article 165 of this Code.

Article 13. Privacy of Correspondence, Telephone and Other Talks, of Postal, Telegraph and Other Communications

1. Restriction of the citizen's right to privacy of correspondence, of the telephone and other talks, of postal, telegraph and other communications shall be admissible only on the ground of a court decision.

2. Putting under arrest postal and telegraph messages and their seizure at post offices, the monitoring and recording of the telephone and other talks, may be carried out only on the grounds of a court decision.

Article 14. Presumption of Innocence

1. The accused shall be regarded as non-guilty until his being guilty of committing the crime is proved in accordance with the procedure, stipulated by the present Code, and is established by court sentence, which has entered into legal force.

2. The suspect or the accused is not obliged to prove his innocence. The burden of proving the charge and of refuting the arguments cited in defence of the suspect or of the accused, shall lie with the party of the prosecution.

3. All doubts concerning the guilt of the accused, which cannot be eliminated in accordance with the procedure established by the present Code, shall be interpreted in favour of the accused.

4. The verdict of guilty cannot be based on suppositions.

Article 15. Parties' Adversarial Nature

1. The criminal court procedure shall be conducted on the basis of the adversarial nature of the parties.

2. The functions of the accusation, of the defence and of the resolution of a criminal case are set apart from one another and cannot be imposed upon one and the same body or upon one and the same person.

3. The court shall not be seen as a body of criminal prosecution, it shall not come out either on the side of the prosecution or on the side of the defence. The court shall create the necessary conditions for the parties to discharge their procedural duties and to exercise the rights, granted to them.

4. The parties of the prosecution and of the defence shall enjoy equal rights before the court.

Article 16. Guaranteeing the Right to the Defence for the Suspect and for the Accused

1. For the suspect and for the accused shall be guaranteed the right to defence, which they may exercise themselves or with the assistance of a counsel for the defence and/or of their legal representative.

2. The court, the prosecutor, the investigator and the inquirer shall explain to the suspect and to the accused their rights, and shall guarantee to them the possibility to defend themselves while resorting to all ways and means, not prohibited by the present Code.

3. In the cases stipulated by the present Code, obligatory participation of a counsel for the defence and/or of the legal representative of the suspect and of the accused shall be provided for by the officials, conducting the proceedings on the criminal case.

4. In cases stipulated by the present Code and by other federal laws, the suspect and the accused may make use of the advice of a counsel for the defence free of charge.

Article 17. Freedom in the Assessment of Proof

1. The judge, the jurors, as well as the prosecutor, the investigator and the inquirer, shall assess the proof in accordance with their inner conviction, based on the aggregate of the proof presented in the given criminal case, and shall rely in doing this on the law and on their conscience.

2. No proof shall be regarded as possessing force established in advance.

Article 18. Language of the Criminal Court Proceedings

1. The criminal court proceedings shall be conducted in the Russian language, as well as in the state languages of the Republics - the members of the Russian Federation. The proceedings on criminal cases in the Supreme Court of the Russian Federation and military courts shall be conducted in the Russian language.

2. To participants in criminal court proceedings who have no command or just a poor command of the language in which the

proceedings on the criminal case are conducted, shall be explained and guaranteed the right to make statements, to give explanations and testimony, to lodge petitions and complaints, to get acquainted with the materials of the criminal case and to take the floor in the court using their native tongue or another language, of which they have a good command, and to make use free of charge of interpreter's services in accordance with the procedure, established by the present Code.

3. If, in conformity with the present Code, the investigation and the trial documents are subject to obligatory presentation to the suspect and to the accused, as well as to the other participants in the criminal court proceedings, said documents shall be translated into the native tongue of the corresponding participant in the criminal court proceedings or into the language of which he has a good command.

Article 19. Right to File Appeals Against Procedural Actions and Decisions

1. The actions (the lack of action) and decisions of the court, of the prosecutor, of the head of an investigatory body, of the investigator, of the body of inquiry and of the inquirer may be appealed against in accordance with the procedure, established by the present Code.

2. Every one convict shall have the right to the revision of the sentence by a higher placed court in accordance with the procedure, established by Chapters 43-45, 48 and 49 of the present Code.

Chapter 3. Criminal Prosecution

Article 20. Kinds of the Criminal Prosecution

1. Depending on the character and on the gravity of the committed crime, the criminal prosecution, including the charge at the trial, shall be carried out in public, private-public or private procedure.

2. Criminal cases on crimes envisaged by Articles 115, Part One and 116, Part One, by the first Part of Article 129 and by Article 130 of the Criminal Code of the Russian Federation, are seen as criminal cases of private prosecution, are initiated only upon application from the victim or from his legal representative, except for the cases stipulated by Part Four of this Article, and are subject to termination in connection with the reconciliation of the victim with the accused. Reconciliation is seen as admissible until the court departs to the retiring room for passing the sentence.

3. Criminal cases on crimes, envisaged in the first part of Article 131, the first part of Article 132, the first part of Article 136, the first part of Article 137, the first part of Article 138, the first part of Article 139, in Article 145, in the first part of Article 146 and in the first part of Article 147 of the Criminal Code of the Russian Federation, are seen as criminal cases of the private-public prosecution and are initiated only upon application from the victim, or

from his legal representative, but are not subject to the termination in connection with the victim's reconciliation with the accused, with the exception of the cases envisaged in Article 25 of the present Code.

4. The investigator, as well as the inquirer with the consent of the procurator shall institute a criminal case on any crime indicated in Items Two and Three of this Article, and in the absence of an application of the victim or his legal representative, if the crime has been committed with respect of a person who, due to his dependent or helpless state or for other reasons cannot defend his rights and legal interests. The other reasons shall also include the case of commission of a crime by a person the information about whom is unknown.

5. Criminal cases, with the exception of those mentioned in the second and third parts of the present Article, are seen as criminal cases of public prosecution.

Article 21. Liability of Conducting Criminal Prosecution

1. The criminal prosecution on behalf of the state on criminal cases of the public and of the private-public prosecution shall be conducted by the prosecutor, as well as by the investigator and by the inquirer.

2. In every case of revealing the signs of a crime, the prosecutor, the investigator, the body of inquiry and the inquirer shall be obliged to take measures, stipulated by the present Code, to establish the event of the crime and to expose the person or the persons, guilty of committing the crime.

3. In the cases envisaged by the fourth part of Article 20 of the present Code, the investigator, as well as the inquirer with the consent of the procurator shall be obliged to conduct the criminal prosecution on criminal cases regardless of the expression of the victim's will.

4. The demands, orders and inquiries of the prosecutor, of the investigator, of the body of inquiry or of the inquirer, presented within the scope of their powers established by the present Code, shall be obligatory for execution by all institutions, enterprises, organizations, officials and citizens.

Article 22. Victim's Right to Participate in the Criminal Prosecution

The victim, his legal representative and/or his representative shall have the right to take part in the criminal prosecution of the accused, and as concerns the criminal cases of the private prosecution - to put forward and to support the prosecution in accordance with the procedure established by the present Code.

Article 23. Involvement in the Criminal Prosecution upon Application of a Commercial or Other Organisation

If an act envisaged by Chapter 23 of the Criminal Code of the Russian Federation has inflicted damage upon the interests of an exclusively commercial or of another kind of organisation that is not a state or a municipal enterprise, while not inflicting a damage upon the interests of other organisations or upon the interests of the citizens, of the society or of the state, the criminal case shall be instituted upon application from the head of the given organization or with his consent.

Chapter 4. Grounds for Refusal of the Institution of a Criminal Case and for Termination of Criminal Case or Criminal Prosecution

Article 24. Grounds for Refusal to Institute a Criminal Case or to Terminate a Criminal Case

1. A criminal case cannot be instituted, and or instituted criminal case shall be subject to termination on the following grounds:

1) absence of the event of a crime;

2) absence of the corpus delicti in the act;

3) expiry of the deadlines for criminal prosecution;

4) death of the suspect or of the accused, with the exception of cases when the proceedings on the criminal case are necessary for the rehabilitation of the deceased;

5) absence of the victim's application, if the criminal case may be instituted only upon his application, with the exception of cases envisaged by the fourth part of Article 20 of the present Code;

6) lack of a court statement as to the availability of elements of crime in the actions of one of the persons mentioned in Items 1, 3 - 5, 9 and 10 of Part 1 of Article 448 of the present Code or lack of the consent of the Federation Council, the State Duma, the Constitutional Court of the Russian Federation, the qualification college of judges respectively to the opening of a criminal case or prosecution as the accused of one of the persons mentioned in Items 1 and 3-5 of Part 1 of Article 448 of the present Code.

2. The criminal case shall be subject to termination on the ground, envisaged by Item 2 of the first part of this Article, if the criminality and punishability of the action in question have been eliminated by the new criminal law before the sentence came into legal force.

3. The termination of a criminal case shall entail simultaneous cessation of the criminal prosecution.

4. A criminal case shall be subject to termination in the event of terminating a criminal prosecution in respect of all suspects or accused persons, save for the instances provided for by Item 1 of Part One of Article 27 of this Code.

Article 25. Termination of a Criminal Case in Connection with the Parties' Reconciliation

The court, as well as the investigator with the consent of the chief of an investigatory agency or the inquirer with the consent of the procurator, shall have the right to terminate the criminal case on the ground of an application filed by the victim or by his legal representative with respect to the person, suspected of or charged with committing a crime of minor or medium gravity, in the cases specified in Article 76 of the Criminal Code of the Russian Federation, if this person has reconciled with the victim and has recompensed the damage he has inflicted upon the latter.

Article 26. Abolished

Article 27. Grounds for Termination of the Criminal Prosecution

1. The criminal prosecution with respect to the suspect and to the accused shall be stopped on the following grounds:

1) non-involvement of the suspect and of the accused in the perpetration of the crime;

2) termination of the criminal case on the grounds envisaged by Items 1-6 of the first part of Article 24 of the present Code;

3) as a result of an act of grace;

4) existence of the sentence on the same accusation or of the ruling of the court or the resolution of the judge on the termination of the criminal case on the same accusation, which has come into legal force, with respect to the suspect or to the accused;

5) existence with respect to the suspect and to the accused of an uncancelled resolution of the body of inquiry, of the investigator or of the prosecutor on the termination of the criminal case on the same accusation, or on the refusal to institute a criminal case;

6) refusal of the State Duma of the Federal Assembly of the Russian Federation to give its consent to the deprivation of immunity of the President of the Russian Federation, who has ceased the performance of his powers, and/or refusal of the Federation Council to deprive the given person of the immunity.

2. The termination of the criminal prosecution on the grounds, indicated in Items 3 and 6 of the first part of Article 24, in Articles 25, and 28 of the present Code, as well as in Items 3, 6 and 7 of the first part of the present Article, shall be inadmissible, if the suspected or the accused objects to this. In this case, the proceedings on the criminal case shall be continued in the usual order.

3. The criminal prosecution with respect to a person who has not reached by the moment of committing the crime the age pointed out in the criminal law, from when the criminal liability sets in, shall be subject to termination shall be on the grounds, mentioned in Item 2 of the first part of Article 24 of the present Code. On the same grounds subject to termination the criminal prosecution with respect to a minor who, even though he has

reached the age from when criminal liability sets in, could not have fully realized the actual character and the social danger of his actions (of his lack of action) and direct them at the moment of committing the act, envisaged by the criminal law, because of a retardment lagging behind in his psychological development, not connected with a mental disorder.

4. In the cases pointed out in the present Article, the criminal prosecution with respect to the suspect and to the accused may be stopped without the termination of the criminal case.

Article 28. Termination of the Criminal Prosecution in Connection with an Active Repentance

1. The court, as well as the investigator by with the consent of the chief an investigatory agency or the inquirer with the consent of the prosecutor, shall be entitled to terminate a criminal prosecution in respect of a person suspected of or charged with having committed a crime of minor or medium gravity, in the cases specified in Part 1 of Article 75 of the Criminal Code of the Russian Federation.

2. The criminal prosecution in respect of a person in the criminal case on a crime of a different category with the person's active repentance of the crime committed shall be effected by the court, as well as the investigator with the consent of the chief of an investigatory agency or the inquirer with the consent of the procurator only in the cases specifically stipulated by the relevant articles of the Special Part of the Criminal Code of the Russian Federation.

3. Before the termination of the criminal prosecution, to the person shall be explained the grounds for its termination in conformity with the first and the second parts of the present Article, as well as his right to object to the termination of the criminal prosecution.

4. The termination of the criminal prosecution on the grounds pointed out in the first part of the present Article, shall be inadmissible if the person with respect to whom the criminal prosecution is being terminated objects to this. In the given case, the proceedings on the criminal case shall be continued per the usual procedure.

Section II. Participants in the Criminal Court Proceedings

Chapter 5. The Court

Article 29. Legal Powers of the Court

1. The court alone shall have the legal power to:

1) recognize a person as guilty of committing a crime and to mete out a punishment to him;

2) apply towards a person coercive measures of the medicinal character in conformity with the demands of Chapter 51 of the present Code;

3) apply towards a person coercive measures for an educational influence in conformity with the demands of Chapter 50 of the present Code;

4) cancel or change the decision, passed by the lower placed court.

2. The court alone, including in the course of the pre-trial procedure, shall have the legal power to take decisions on:

1) selection of the measure of restriction in the form of taking into custody or of the home arrest, or of letting out on bail;

2) extension of the term for holding in custody;

3) putting the suspect and the accused, who is not in custody, into a medical or a psychiatric stationary hospital for carrying out the forensic-medical or the psychiatric medical expertise, respectively;

4) carrying out an examination of the living quarters in the absence of the consent of the persons residing there;

5) performing a search and/or a seizure in the living quarters;

5.1) on the seizure of things pawned or deposited in a pawnshop;

6) carrying out a personal search, with the exception of the cases envisaged by Article 93 of the present Code;

7) making a seizure of the objects and of the documents containing state or other secrets protected by a federal law, as well as the articles and documents containing information about citizens' deposits and accounts at banks and other credit institutions;

8) affecting an arrest of correspondence, permission of its inspection and seizure at postal offices;

9) putting under arrest property, including the monetary funds of natural and legal persons, kept on the accounts, in deposits or in storage in banks or other credit institutions;

10) suspending the suspect or the accused from the occupied post in conformity with Article 114 of the present Code;

11) exerting control over and recording of telephone and other talks;

3. The court shall have the right to consider complaints against the actions (the lack of action) and against the decisions of the prosecutor, the investigator, the inquiry body and the inquirer in the cases and in accordance with the procedure, stipulated by Article 125 of the present Code, in the course of the pre-trial procedure.

4. If during the court examination of a criminal case are revealed the circumstances, which were conducive to the perpetration of the crime, to the violation of the citizens' rights and freedoms, or to the other law offences, committed in conducting the inquiry or the preliminary investigation, or when the case was examined by a lower-placed court, the court shall have the right to issue an intermediate ruling or judgement, in which the attention of the corresponding organizations and officials shall be drawn to the given circumstances and facts of the law offences, demanding that the necessary measures be taken. The court shall have the right to

issue an intermediate ruling or judgement also in other cases if it finds this necessary.

Article 30. Composition of the Court

1. Criminal cases shall be considered by the court either collectively, or by the judge alone.

2. The court of the first instance shall consider criminal cases in the following composition:

1) the judge of general jurisdiction federal court: criminal cases on all crimes, except for the criminal cases specified in Items 2-4 of the present part;

2) the judge of the federal court of general jurisdiction and a college of twelve jurors - upon the petition of the accused - criminal cases on the crimes, pointed out in the third part of Article 31 of the present Code;

3) a college of three judges of general jurisdiction federal court: criminal cases for grave and especially grave crimes if a petition has been filed by the accused before the court hearing was announced in compliance with Article 231 of the present Code;

4) a justice of the peace - criminal cases placed under his jurisdiction in conformity with the first part of Article 31 of the present Code.

3. Consideration of criminal cases on appeal shall be effected by a judge of the district court on his own.

4. Consideration of criminal cases on cassation shall be performed by a court in the composition of three judges of the federal court of general jurisdiction, and by way of supervision - by that in the composition of at least three judges of the federal court of general jurisdiction.

5. If a criminal case is considered by a court in the composition of three judges of the federal court of general jurisdiction, one of them shall act as chairman of the court session.

6. The criminal cases within the jurisdiction of a judge of the peace committed by the persons specified in Part 5 of Article 31 of the present Code shall be heard by the judges of garrison military courts all by themselves in the manner established by Chapter 41 of the present Code. In these cases the verdict and decision are subject to appeal in the form of cassation.

Article 31. Jurisdiction of Criminal Cases

1. Placed under the jurisdiction of a justice of the peace shall be criminal cases for crimes the maximum punishment for the perpetration of which does not exceed three years of deprivation of freedom, with the exception of criminal cases for crimes envisaged by the first part of Article 107, by Articles 108, by the first and second parts of Article 109, 134 and 135, by the first part of Article 136, the first part of Article 146, the first part of Article 147, by Article 170, by the first part of Article 171, the first part of

Article 171.1, 174 with the first part, 174.1 with the first part by Article 177, by the first part of Article 178, the first part of Article 183, by the first, third and fourth parts of Article 184, and 185, by the first part ofArticle 191, by Article 193, by the first part of Article 194, by Article 195, 198, by the first part of Article 199, by the first part of Article 199.1, the first part of Article 201, the first part of Article 202, the first and the third parts of Article 204, by Article 207, by the third part of Article 212, the first part of Article 215, the first part of Article 215.1, the first part of Article 216, the first part of Article 217, the first part of Article 219, the first part of Article 220, the first part of Article 225, by the first part of Article 228, 228.2, the first and the fourth parts of Article 234, the first part of Article 235, the first part of Article 236, the first part of Article 237, the first part of Article 238, by Article 239, by the second part of Article 244, the first part of Article 247, the first part of Article 248, by Article 249, by the first and the second parts of Article 250, the first and the second parts of Article 251, the first and the second parts of Article 252, by Article 253, by the first and the second parts of Article 254, by Article 255, by the third part of Article 256, by Article 257, by the second part of Article 258, by Articles 259 and 262, by the first part of Article 263, the first part of Article 264, by the first part of Article 266, the first part of Article 269, by Articles 270 and 271, by the first part of Article 272, the first part of Article 273, the first part of Article 274, 282 with the first part, 285.1 with the first part, 285.2 with the first part, by the first part of Article 287, by Articles 288 and 289, by the first part of Article 291, by Article 292, by the first part of Article 293, the first and the second parts of Article 294, the first and the second parts of Article 296, by Article 297, by the first and the second parts of Article 298, the first part of Article 301, the first part of Article 302, the first and the second parts of Article 303, the first part of Article 306, the first part of Article 307, the first and the second parts of Article 309, the first part of Article 311, by Article 316, the first part of Article 322, the first part of Article 323, paragraph one of Article 327, the first part of Article 327.1 and by Article 328 of the Criminal Code of the Russian Federation.

2. Subject to the jurisdiction of the district court shall be cases for all crimes with the exception of the criminal cases pointed out in the first (in as much as it concerns criminal cases being in the jurisdiction of the judge of the peace), third and fourth parts of the present Article.

3. Subject to the jurisdiction of the Supreme Court of a Republic, of territorial or regional court of a court of a city of federal importance, of the court of a autonomous region or court of an autonomous area shall be:

1) criminal cases on the crimes, mentioned in the second part of Article 105, in the third part of Article 126, in the third part of Article 131, in Article 205, in the second and the third parts of Article 206, in the first part of Article 208, in Articles 209-211, in the first part of Article 212, in Article 227, in the third part of Article 263, in the third part of Article 267, in the third part of Article 269, in Articles 275-279, in Article 281, in the third and

the fourth parts of Article 290, in Articles 294-302, in the second and the third parts of Article 303, in Articles 304, 305, 317, in the third part of Article 321, in the second part of Article 322, in Articles 353-358, in the first and in the second parts of Article 359, and in Article 360 of the Criminal Code of the Russian Federation;

2) criminal cases, handed over to the given courts in conformity with Articles 34 and 35 of the present Code;

3) criminal case-files containing data constituting a state secret.

4. Subject to the jurisdiction of the Supreme Court of the Russian Federation shall be the criminal cases, pointed out in Article 452 of the present Code, as well as the other criminal cases, referred under its jurisdiction by the federal constitutional law and by the federal law.

5. The garrison military court shall consider criminal cases on all crimes, committed by the servicemen and by the citizens undergoing the periodical military training, with the exception of the criminal cases, referred to the jurisdiction of the higher placed military courts.

6. Subject to the district (naval) military court shall be the criminal cases, pointed out in the third part of the present Article, concerning the servicemen and the citizens undergoing the periodical military training.

7. If the criminal case, instituted against a group of persons, is referred to the jurisdiction of the military court with respect to only a single one of these persons, the given criminal case may be examined by the military court, unless the person in question, or the persons who are not servicemen or citizens undergoing the periodical military training, object to this. If there are objections on the part of the above-mentioned persons, the criminal case against them shall be set apart into a separate procedure and shall be considered by the corresponding court of general jurisdiction. If it is impossible to single out this criminal case into a separate procedure, the given criminal case against all the involved persons shall be considered by the corresponding court of general jurisdiction.

8. Subject to the jurisdiction of the military courts stationed outside the territory of the Russian Federation shall be criminal cases on crimes committed by servicemen while doing their military duty in the composition of the Russian troops, by their family members or by other citizens of the Russian Federation, if:

1) the act containing the signs of a crime qualified by the criminal law, is committed on the territory, placed under the jurisdiction of the Russian Federation, or when on the official duty, or if it infringes upon the interests of the Russian Federation;

2) an international treaty of the Russian Federation does not rule otherwise.

9. The district court and the military court of the corresponding level shall adopt in the course of the pre-trial procedure on the criminal case the decisions, mentioned in the second and in the third parts of Article 29 of the present Code.

10. The jurisdiction of a civil claim stemming from the criminal case, shall be determined by the jurisdiction of the criminal case, in which it is filed.

Article 32. Territorial Jurisdiction of a Criminal Case

1. A criminal case shall be subject to consideration in the court at the place of the perpetration of the crime, with the exception of the cases stipulated by Article 35 of the present Code.

2. If the crime was initiated at a place under the jurisdiction of one court and completed at a place to which is spread the jurisdiction of another court, the given criminal case shall be referred to the jurisdiction of the court at the place where the crime was completed.

3. If the crimes are committed at different places, the criminal case shall be considered by the court, whose jurisdiction is spread tothat place, where most of the crimes, investigated on the given criminal case, are committed or where the most serious of them is committed.

Article 33. Determination of the Jurisdiction in Combining Criminal Cases

1. If one person or a group of persons is accused of committing several crimes, the criminal cases on which are referred the jurisdiction of the courts of different levels, the criminal case on all the crimes shall be examined by the higher placed court.

2. Examination by the military courts of the criminal cases against the persons who are not servicemen, shall be inadmissible, with the exception of the cases, envisaged by the fifth-eighth parts of Article 31 of the present Code.

Article 34. Handing Over a Criminal Case in Accordance with the Jurisdiction

1. Having established when resolving the question about the appointment of the court session that the arrived criminal case is not within the jurisdiction of the given court, the judge shall pass a ruling on directing the given criminal case to where it belongs in accordance with the jurisdiction.

2. Having established that the case which has come to it is also within the jurisdiction of another court of the same level, the court shall have the right, with the accused person's consent, to leave the given criminal case within its own jurisdiction, but only if it has already started its examination in a court session.

3. If the criminal case is referred to the jurisdiction of a higher placed court or to the military court, it shall in all cases be subject to being handed over in accordance with the jurisdiction.

Article 35. Changing the Territorial Jurisdiction of a Criminal Case

1. The territorial jurisdiction of a criminal case may be changed:

1) upon the party's petition - if the objection it has entered to the constitution of the corresponding court is satisfied in conformity with Article 65 of the present Code;

2) upon the party's petition or at the initiative of the chairman of the court, to which the criminal case has arrived - in the following cases:

a) if all the judges of the given court have earlier taken part in the proceedings on the criminal case under examination, which is a ground for their disqualification in conformity with Article 63 of the present Code;

b) if not all the participants in the criminal proceedings on the given criminal case reside on the territory, to which the jurisdiction of the given court is spread, and if all the accused consent to the change of the territorial jurisdiction of the given criminal case.

2. The change of the territorial jurisdiction of a criminal case shall be admissible only before the start of the legal action.

3. The question of changing the territorial jurisdiction of a criminal case on the grounds pointed out in the first part of this Article, shall be resolved by the chairman of a superior court or by his deputy in accordance with the procedure established by Parts Three, Four and Six of Article 125 of this Code.

Article 36. Inadmissibility of Disputes Concerning Jurisdiction

The disputes concerning the jurisdiction between the courts shall be inadmissible. Any criminal case, handed over from one court to another in accordance with the procedure, established by Articles 34 and 35 of this Code, shall be taken over in an undisputable order for the proceedings of the court, to which it is passed over.

Chapter 6. Participants in the Criminal Court Proceedings on the Side of the Prosecution

Article 37. The Prosecutor

1. The prosecutor shall be seen as an official authorised within the scope of authority thereof established by the present Code, to conduct on behalf of the State the criminal prosecution in the course of criminal court proceedings, as well as to exert supervision over the procedural activity of the bodies of inquiry and of the bodies of preliminary investigation.

2. In the course of pre-trial proceedings on a criminal case, the prosecutor shall be obliged:

1) to verify the fulfillment of the demands of the federal law during the acceptance, registration and resolution of communications on crimes;

2) to issue a reasoned decision to send the relevant materials to an investigatory agency or an inquiry body for deciding the point of criminal prosecution in connection with breaches of the criminal legislation detected by the prosecutor;

3) to demand of inquiry bodies and investigative agencies the elimination of breaches of the federal legislation made in the course of inquiry or preliminary investigation;

4) to instruct an inquirer in writing as to the direction of the investigation and making of procedural actions;

5) to give consent to an inquirer as to filing a motion with court for selection, reversal or changing of the measure of restriction or as to carrying out other procedural action which is allowable on the basis of a judicial decision;

6) to reverse unlawful or ill-founded decisions of a junior prosecutor, as well as unlawful or ill-founded decisions of an inquirer in the procedure established by this Code;

7) to consider an investigator's information about his/her disagreement with the prosecutor's demands supplied by the chief of an investigatory agency and to render a decision in respect of it;

8) to participate in court sessions when in course of pre-trial proceedings the issues related to the selection of the measure of restriction in the form of putting into custody, to the extension of detention in custody or to the reversal or changing of a given measure of restriction are considered, as well as when motions for making other procedural actions allowable on the basis of a judicial decision are considered and when complaints are considered in the procedure established by Article 125 of this Code;

9) to allow challenges against an inquirer, as well as his/her disqualification of self;

10) to suspend an inquirer's further participation in an investigation, if he/she has failed to comply with the requirements of this Code;

11) to withdraw any criminal case from an inquiry body and to transfer it to an investigator indicating without fail the reasons for such transfer;

12) to transfer a criminal case from one preliminary investigation agency to another one in compliance with the rules established by Article 151 of this Code, to withdraw any criminal case from the preliminary investigation agency of a federal executive body (under a federal executive body) and to transfer it to an investigator of the Investigative Committee under the Prosecutor's Office of the Russian Federation indicating without fail the reasons for such transfer;

13) to endorse an inquirer's decision on termination of criminal proceedings;

14) to endorse an indictment or a bill of particulars with respect to a criminal case;

15) to return a criminal case to an inquirer or investigator with his/her instructions in writing as to further investigation thereof, changing the extent of charge or qualification of actions of accused persons or for redrawing up an indictment or a bill of particulars and elimination of detected drawbacks;

16) to exercise the other powers vested with the prosecutor by this Code.

3. In the course of criminal court proceedings the prosecutor shall hold the state charge providing for its lawfulness and substantiation.

4. The prosecutor is entitled in the procedure and for the reasons established by this Code to dismiss prosecution specifying without fail the motives of his/her decision.

5. The prosecutor's authority provided for by this Article shall be exercised by district and town/city prosecutors, deputies thereof, by prosecutors equated with them and superior prosecutors.

6. Where the chief of an investigatory agency or an investigator disagrees with a prosecutor's demands for elimination of breaches of the federal legislation made in the course of preliminary investigation, the prosecutor is entitled to forward the demand for elimination of the said breaches to the chief of a superior investigatory agency. If the chief of a superior investigatory agency disagrees with the said demands of the prosecutor, the prosecutor has the right to address the Chairman of the Investigative Committee under the Procurator's Office of the Russian Federation or the chief of the investigatory agency of a federal executive body (under a federal executive body). If the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation or the chief of the investigatory agency of a federal executive body (under a federal executive body) disagrees with the prosecutor's demands for elimination of breaches of the federal legislation made in the course of preliminary investigation, the prosecutor has the right to address the Prosecutor General of the Russian Federation whose decision is final.

Article 38. The Investigator

1. An investigator is an official authorised to conduct a preliminary investigation on a criminal case within the scope of authority thereof stipulated by the present Code.

2. The investigator is authorised to:

1) to institute a criminal case in accordance with the procedure, established by the present Code;

2) to take over a criminal case or pass it to the chief of an investigatory agency to be sent according to investigative jurisdiction thereof;

3) to direct on his/her own the course of investigation, to take decisions on the performance of investigative or procedural actions, with the exception of cases when a court decision and/or the consent of the chief of an investigatory agency is required in conformity with the present Code;

4) to give to an inquiry body in the cases and in accordance with the procedure established by the present Code, written orders to be executed without fail on carrying out operational-search measures, on the

performance of individual investigative actions, on the execution of decisions on detention, on coercing, on the arrest or on the performance of other procedural actions, and to receive assistance in the performance thereof;

5) to appeal with the consent of the chief of an investigatory agency in the procedure established by Part Four of Article 221 of this Code against a prosecutor's decision issued in compliance with Item 2 of Part One of Article 221 of this Code;

6) to exercise the other powers stipulated by this Code.

3. In the event of disagreement with the demands of a prosecutor for elimination of breaches of the federal legislation made in the course of preliminary investigation, an investigator is obliged to forward his/her objections in writing to the head of an investigatory agency who shall notify the prosecutor thereof.

Article 39. The Chief of an Investigatory Agency

1. The chief of an investigatory agency shall be authorised:

1) to entrust an investigator or to several investigators with the conduct of preliminary investigation, as well as to withdraw a criminal case from an investigator and to hand it over to another investigator with an obligatory indication of the reasons for such handing over, to form an investigative team, to change the composition thereof and to take over a criminal case;

2) to check the materials of a criminal case, to cancel the investigator's unlawful or unsubstantiated resolutions;

3) to give instructions to an investigator as to the direction of investigation, making individual investigative actions, charging a person, selecting a measure of restriction in respect of suspects or accused persons, qualification of a crime and the extent of charge;

4) to give his/her consent to an investigator as to bringing a motion with court for selection, extension, reversal or changing of a measure of restriction or as to making other procedural action which is allowable on the basis of a judicial decision;

5) to allow challenges of an investigator, as well as an investigator's disqualification of self;

6) to debar an investigator from further investigation, if he/she has failed to comply with the requirements of this Code;

7) to reverse unlawful or ill-founded decisions of the junior chief of an investigatory agency in the procedure established by this Code;

8) to extend the duration of a preliminary investigation;

9) to endorse an investigator's decision on termination of criminal proceedings;

10) to give his/her consent to the investigator who has carried out preliminary investigation of a criminal case to appeal in the procedure established by Part Four of Article 221 of this Code against the decision of

a prosecutor issued in compliance with Item 2 of Part One of Article 221 of this Code;

11) to return a criminal case to an investigator with his/her instructions to carry out further investigation thereof;

12) to exercise the other powers provided for by this Code.

2. The chief of an investigatory agency when taking over a criminal case shall enjoy all the rights of an investigator (of the head of an investigatory team) provided for by this Code.

3. The instructions of the chief of an investigatory agency in respect of a criminal case shall be issued in writing and shall be followed by an investigator without fail. The instructions of the chief of an investigatory agency, except for the instructions provided for by Part Four of this article, may be appealed against with the chief of a superior investigatory agency. Appealing against these instructions shall not suspend their execution, except for cases when instructions concern the withdrawal of a criminal case or transfer thereof to another investigator, charging of a person, selection of a measure of restriction, exercise of investigative activities which are only allowable on the basis of a judicial decision, as well as sending a case to court or termination thereof. With this, an investigator is entitled to present to the chief of a superior investigatory agency the materials of a criminal case and objections in writing against the instructions of the chief of an investigatory agency.

4. The chief of an investigatory agency shall consider a prosecutor's demands for elimination of the breaches of the federal legislation made in the course of preliminary investigation, as well as an investigator's objections in writing against the said demands and shall give the investigator written instructions as to carrying out of the said requirements or shall notify the prosecutor of disagreement with his/her demands.

5. The powers of the chief of the investigatory body, provided for by the present Article, shall be exercised by the Chairman of the Inquiry Committee under the Procurator's Office of the Russian Federation, by the Chief of the Central Investigatory Administration of the Inquiry Committee under the Procurator's Office of the Russian Federation, the chiefs of the investigatory administrations of the Inquiry Committee under the Procurator's Office of the Russian Federation for the constituents of the Russian Federation, the investigatory departments of the Inquiry Committee under the Procurator's Office of the Russian Federation for districts and cities, their deputies, and also the chiefs of the investigatory bodies of the relevant federal executive bodies (or under the corresponding federal executive bodies), their territorial bodies in the constituents of the Russian Federation, in districts and cities, their deputies, other executives of the investigatory bodies and their deputies, whose procedural powers are established by the Chairman of the Inquiry Committee under the Procurator's Office of the Russian Federation, by the chiefs of the

investigatory bodies of the existing federal executive bodies (as under the relevant federal executive3 bodies).

Article 40. The Body of Inquiry

1. Referred to the bodies of inquiry shall be:

1) the internal affairs bodies of the Russian Federation, as well as the other executive power bodies, granted the powers for the performance of an operational-search activity in conformity with the federal law;

2) the Chief Officer of Justice of the Russian Federation, the chief officer of justice of the subject of the Russian Federation and their deputies, the senior officer of justice, as well as the senior officers of justice of the Constitutional Court of the Russian Federation, of the Supreme Court of the Russian Federation and of the Higher Arbitration Court of the Russian Federation;

3) the commanders of military units and formations, the heads of military institutions or garrisons.

4) the bodies of the state fire supervision of the Federal Fire-Prevention Service.

2. Upon the bodies of inquiry shall be imposed:

1) an inquiry on the criminal cases, conducting a preliminary investigation on which is not obligatory - in accordance with the procedure, established by Chapter 32 of the present Code;

2) performance of the urgent investigative actions on the criminal cases, conducting a preliminary investigation on which is obligatory - in accordance with the procedure, established by Article 157 of the present Code.

3. Institution of a criminal case in accordance with the order, established by Article 146 of the present Code, and performance of urgent investigative actions shall also be imposed upon:

1) the captains of the sea and river vessels on a long voyage - on the criminal cases on crimes, committed on board of the said ships;

2) the heads of the geological prospecting parties and winterings a long distance from the places of location of the bodies of inquiry, named in the first part of the present Article - on criminal cases on crimes committed at the place of location of the given parties and winterings;

3) the heads of the diplomatic representations and the consular institutions of the Russian Federation - on the criminal cases on crimes, committed within the boundaries of the territories of the given representations and institutions.

Article 40.1. The Head of an Inquiry Unit

1. With respect to his subordinate inquirers, the head of an inquiry unit shall be authorised to:

1) entrust an inquirer with the check of a report about a crime, the adoption of a decision thereon in the procedure established by Article 145 of this Code, the performance of urgent investigative actions or the conduct of an inquiry in a criminal case;

2) withdraw a criminal case from an inquirer and transfer it to another inquirer with an obligatory indication of the grounds for such transfer;

3) repeal unfounded rulings of an inquirer on the suspension of the conduct of an inquiry in a criminal case;

4) submit to the procurator a motion for repealing illegal or unfounded rulings of an inquirer on a refusal to initiate a criminal case.

2. The head of an inquiry unit can initiate a criminal case in the procedure established by this Code, accept a criminal case for his proceedings and conduct an inquiry in full while having, in doing so, the authority of an inquirer.

3. When exercising the authority stipulated by this Article, the head of an inquiry unit can:

1) check the materials of a criminal case

2) give an inquirer instructions on the direction of an investigation, the conduct of certain investigative actions, on the choice of a measure of restraint with respect to a suspect, on the classification of a crime and on the volume of a charge.

4. The instructions of the head of an inquiry unit in a criminal case shall be given in written form and shall be obligatory for execution by an inquirer, but they can be appealed against by him to the head of the inquiry body or to the procurator. The appeal of instructions shall not suspend their execution. The inquirer an submit to the head of the inquiry body or to the procurator the materials of a criminal case and his written objections to the instructions of the head of the inquiry unit.

Article 41. The Inquirer

1. The powers of the body of inquiry, stipulated by Item 1 of the second part of Article 40 of this Code, shall be imposed upon the inquirer by the head of the body of inquiry or by his deputy.

2. Imposing the powers for conducting an inquiry upon a person, who has carried out or who is carrying out the operational-search measures on the given criminal case, shall be inadmissible.

3. The inquirer shall be authorized:

1) to independently conduct the investigative and the other procedural actions and to take procedural decisions, with the exception of the cases, when in conformity with the present Code for this is required the consent of the head of the body of inquiry, the consent of the prosecutor and/or the court decision;

2) to exercise the other powers, stipulated by the present Code.

4. The directions of the prosecutor and of the head of the body of inquiry, issued in conformity with the present Code, shall be seen as

obligatory for the inquirer. The inquirer shall in this case have the right to file an appeal against the directions of the head of the body of inquiry to the prosecutor and against the directions of the prosecutor - to the higher placed prosecutor. Filing an appeal against the given directions shall not be serve to suspend their execution.

Article 42. The Victim

1. Seen as the victim shall be a natural person, upon whom a physical, property or moral damage was inflicted by the crime, as well as a legal entity, if his property and business reputation were damaged by the crime. The decision on recognizing a person to be a victim shall be formalized by the resolution of the inquirer, investigator or of the court.

2. The victim shall have the right:

1) to know about the charge brought against the accused;

2) to furnish evidence;

3) to refuse to testify against himself, his/her spouse and the other close relatives, whose circle is delineated in Item 4 of Article 5 of the present Code. If the victim consents to bear evidence, he shall be warned that his testimony may be used as the proof in the criminal case, including even if he subsequently renounces this testimony;

4) to submit proof;

5) to enter petitions and to file recusations;

6) to give evidence in his native tongue or in the language, of which he has a good command;

7) to make use of an interpreter's services free of charge;

8) to have a representative;

9) to take part with the permission of the investigator or of the inquirer in the investigative actions, performed at his own petition or at the petition of his representative;

10) to get acquainted with the protocols on the investigative actions, carried out with his participation, and to submit comments on them;

11) to get acquainted with the decision on the appointment of a court examination and with the expert's conclusion in the cases, stipulated in the second part of Article 198 of the present Code;

12) after the preliminary investigation is completed, to get acquainted with all materials of the criminal case, to write out of the criminal case any information and in any volume, and to make copies of the criminal case materials, including with the use of technical devices. If several victims are participating in the criminal case, each of them shall have the right to get acquainted with those materials of the criminal case, which concern the harm done to the given victim;

13) to receive the copies of the decision on the institution of a criminal case, on recognizing him as a victim or on the refusal in this, on the termination of the criminal case, on the suspension of the proceedings on the criminal case, as well as the copies of the sentence of the court of

the first instance and of the decisions of the courts of the appeals and of the cassation instances;

14) to participate in the judicial proceedings on the criminal case in the courts of the first, the second and the supervisory instances;

15) to take part in the judicial debates;

16) to support the prosecution;

17) to get acquainted with the protocol of the court session and to submit comments on it;

18) to lodge complaints against the actions (the lack of action) and decisions of the inquirer, the investigator, the prosecutor and the court;

19) to file appeals against the sentence, the ruling or the resolution of the court;

20) to know about the complaints and presentations, submitted on the criminal case, and to submit objections to them;

21) to plead the application of security measures in accordance with the third part of Article 11 of the present Code;

22) to exercise the other powers, stipulated by the present Code.

3. To the victim shall be guaranteed the compensation for the property damage, inflicted by the crime, as well as for the outlays he has had to make in connection with his participation in the process of the preliminary investigation and of the trial, including the outlays on the representative, in conformity with the demands of Article 131 of the present Code.

4. On the victim's claim for the recompense of the moral damage, inflicted upon him, in the monetary expression, the amount of the recompense shall be determined by the court in the course of the court proceedings on the criminal case, or by way of the civil court proceedings.

5. The victim shall have no right:

1) to default the summons of the inquirer, of the investigator and the summons to the court;

2) to furnish a deliberately false evidence, or to refuse to give evidence;

3) to divulge the data of the preliminary investigation, if he was warned to this effect in advance in accordance with the procedure, established by Article 161 of the present Code.

6. If the victim does not respond to the summons without any serious reasons, he may be brought under coercion.

7. For the refusal to provide evidence and for furnishing a deliberately false evidence, the victim shall be held responsible in conformity with Articles 307 and 308 of the Criminal Code of the Russian Federation. For divulging data of the preliminary investigation, the victim shall be liable in conformity with Article 310 of the Criminal Code of the Russian Federation.

8. On the criminal cases on crimes which have entailed the death of a person, the rights of the victim, stipulated by the present Article, shall pass on to one of his close relatives.

9. If recognized as the victim is a legal entity, its rights shall be exercised by its representative.

10. Participation in the criminal case of the legal representative and of the representative of the victim shall not deprive him of the rights, stipulated by the present Article.

Article 43. The Private Prosecutor

1. Seen as the private prosecutor shall be the person, who has filed an application with the court on a criminal case of the private prosecution in accordance with the procedure established by Article 318 of the present Code, and who is backing up the prosecution in the court.

2. The private prosecutor shall be granted the rights, stipulated by the fourth, the fifth and the sixth parts of Article 246 of the present Code.

Article 44. The Civil Claimant

1. Seen as the civil claimant shall be a natural or a legal person, who (which) has filed a claim for the recompense of the property damage, if there are grounds to believe that this damage was inflicted upon him directly by the crime. The decision on recognizing a person to be the civil claimant shall be formalized by a court ruling or by the resolution of the judge, of the investigator or of the inquirer. The civil claimant may also file a civil claim for the material compensation of the moral damage.

2. A civil claim may be presented after the institution of criminal proceedings and up to the end of the investigation in court, when trying this criminal case by a court of the first instance. When making a civil claim, the civil claimant shall be exempted from paying state duty.

3. A civil claim for the protection of the interests of the under age, of the persons recognized as legally incapable or as restricted in their legal capacity in accordance with the procedure, established by the civil procedural legislation, as well as of the persons, who cannot defend their rights and lawful interests themselves because of some other reasons, may be lodged by their legal representatives or by the prosecutor, and a civil claim for the protection of the interests of the state - by the prosecutor.

4. The civil claimant shall have the right:

1) to support a civil claim;

2) to furnish proof;

3) to give explanations on the lodged claim;

4) to give petitions and recusations;

5) to give evidence and explanations in his native tongue or in a language, of which he has a good command;

6) make use of an interpreter's services free of charge;

7) to refuse to give evidence against himself, against his (her) spouse and against the other close relatives, whose circle is delineated by Item 4 of Article 5 of the present Code. If the civil claimant agrees to bear

evidence, he must be warned that his testimony may be used as the proof in the criminal case, even if he subsequently renounces this testimony;

8) to have a representative;

9) to get acquainted with the protocols of the investigative actions, carried out with his participation;

10) to take part in the investigative actions performed by his own petition or at the petition of his representative, with the permission of the investigator or of the inquirer;

11) to renounce the civil claim he has filed. Before he accepts the renouncement of the civil claim, the inquirer, investigator or the court shall explain to the civil claimant the consequences of his renouncement of the civil claim, stipulated by the fifth part of the present Article;

12) to get acquainted after the end of the investigation with the criminal case materials, concerning the civil claim he has filed, and to write out of the criminal case any information and in any volume;

13) to know about the adopted decisions infringing upon his interests, and to receive the copies of the procedural decisions concerning the civil claim he has lodged;

14) to take part in the judicial proceedings in the criminal case in the courts of original jurisdiction, second and supervisory jurisdiction;

15) to take the floor in the judicial debates in order to lay the ground for the civil claim;

16) to get acquainted with the protocol of the court session and to submit comments on it;

17) to lodge complaints against the actions (lack of action) and decisions of the inquirer, investigator, prosecutor or the court;

18) to appeal against the sentence, the ruling or the resolution of the court in the part concerning the civil claim;

19) to know about the complaints and presentations, filed on the criminal case, and to submit objections to them;

20) to take part in the court examination of the lodged complaints and presentations in the order, established by the present Code.

5. Renouncement of the civil claim may be declared by the civil claimant at any moment of the proceedings on the criminal case, but before the court departs to the retiring room for passing the sentence. The renouncement of the civil claim shall entail the termination of the proceedings on it.

6. The civil claimant shall have no right to divulge the data of the preliminary investigation, if he was warned to this effect in advance in accordance with the procedure, established by Article 161 of the present Code. The civil claimant shall bear responsibility for divulging the data of the preliminary investigation in conformity with Article 310 of the Criminal Code of the Russian Federation.

Article 45. Representatives of the Victim, of the Civil Claimant and of the Private Prosecutor

1. To come out in the capacity of representatives of a victim, of a civil claimant or a private prosecutor may be lawyers, while to come out as representatives of a civil claimant, which is a legal entity, can be the other persons, authorized to represent its interests in conformity with the Civil Code of the Russian Federation. On the decision of the justice of the peace, admitted as the representative of the victim or of the civil claimant may also be one of the close relatives of the victim or of the civil claimant, or another person, for whose admittance the victim or the civil claimant has applied.

2. To protect the rights and the lawful interests of the victims, who are the minor or who are deprived of the possibility to defend their rights and lawful interests on their own because of their physical or psychological condition, into an obligatory participation in the criminal case shall be involved their legal representatives or representatives.

3. The legal representatives and the representatives of the victim, of the civil claimant and of the private prosecutor shall enjoy the same procedural rights as the persons they represent.

4. Personal participation in the criminal case of the victim, of the civil claimant or of the private prosecutor shall not deprive him of the right to have a representative on this criminal case.

Chapter 7. Participants in the Criminal Court Proceedings on the Side of the Defence

Article 46. The Suspect

1. Seen as the suspect shall be the person,

1) with respect to whom a criminal case is instituted on the grounds and in accordance with the procedure, established by Chapter 20 of the present Code;

2) who is detained in conformity with Articles 91 and 92 of the present Code;

3) with respect to whom a measure of restriction was applied before bringing the charge in conformity with Article 100 of the present Code;

4) or who has been notified about being suspected of committing a crime in the procedure established by Article 223.1 of this Code.

2. The suspect detained in the procedure established by Article 91 of this Code has to be interrogated within 24 hours, as of the time of his actual detention.

3. In the case, stipulated by Item 2 of the first part of the present Article, the investigator or the inquirer shall be obliged to notify to this effect the close relatives or the relations of the suspect in conformity with Article 96 of the present Code.

4. The suspect shall have the right:

1) to know of what he is suspected, and to get a copy of the ruling on the institution of a criminal case against him, or a copy of the custody report, or a copy of the ruling on the application towards him the measure of restriction;

2) to give explanations and evidence concerning the suspicion moved against him or to refuse giving the explanations and the evidence. If the suspect agrees to give evidence, he/she has to be warned that his/her evidence may be used as proof in a criminal case, and likewise in the event of his/her subsequent denial of this evidence, save for the instance provided for by Item 1 of Part Two of Article 75 of this Code;

3) to avail himself of the advice of the counsel for the defence from the moment stipulated by Items 2-3.1 of the third part of Article 49 of the present Code, and to have a private and confidential visit from him before the suspect's first interrogation;

4) to furnish proof;

5) to enter petitions and to file recusations;

6) to give the evidence and the explanations in his native tongue or in the language, of which he has a good command;

7) to make use of an interpreter's services free of charge;

8) to get acquainted with the protocols of investigative actions carried out with his participation and to submit comments on them;

9) to take part with the permission of the investigator or of the inquirer, in the investigative actions carried out at his own petition, at the petition of his counsel for the defence, or of his legal representative;

10) to lodge complaints against the actions (the lack of action) and decisions of the court, of the prosecutor, of the investigator or of the inquirer;

11) to defend himself using the other means and ways, not prohibited by the present Code.

Article 47. The Accused

1. Recognized as the accused shall be the person, with respect to whom:

1) a ruling is passed on bringing him to trial in the capacity of the accused;

2) a bill of indictment is passed;

2. The accused, on whose criminal case are appointed the court proceedings, is called the defendant. The accused, with respect to whom a verdict of guilty is passed, is called the convict. The accused, with respect to whom the verdict of not guilty is passed, shall be seen as having been acquitted.

3. The accused shall have the right to defend his rights and lawful interests and to have enough time, as well as an opportunity, to prepare for the defence.

4. The accused shall have the right:

1) to know with what he is charged;

2) to receive a copy of the ruling on bringing him to trial in the capacity of the defendant, a copy of the ruling on applying towards him the measure of restriction, a copy of the conclusion of guilt or of the bill of indictment;

3) to object to the accusation, to give evidence on the charge brought against him, or to refuse to supply evidence. If the suspect agrees to give evidence, he/she has to be warned that his evidence may be used as proof in a criminal case, and likewise in the event of his/her subsequent denial of this evidence, save for the instance provided for by Item 1 of Part Two of Article 75 of this Code;

4) to furnish proof;

5) to enter petitions and to file recusations;

6) to bear evidence and to express himself in his native tongue or in a language, of which he has a good command;

7) to make use of an interpreter's services free of charge;

8) to resort to the assistance of the counsel for the defence, including free of charge in the cases, stipulated by the present Code;

9) to have private and confidential visits from the counsel for the defence, including ones prior to the first interrogation of the accused, without restriction of their number and duration;

10) to take part with the permission of the investigator in investigative actions, carried out at his own petition or at the petition of his counsel for the defence or of his legal representative, to get acquainted with the protocols of these actions and to submit comments on them;

11) to get acquainted with the ruling on the appointment of the court examination, to put questions to the expert and to get acquainted with the expert's conclusion;

12) after the preliminary investigation is completed, to get acquainted with all materials of the criminal case and to write out of the criminal case any information and in any volume;

13) to make copies of the criminal case materials at his own expense, including with the use of technical devices;

14) to lodge complaints against the actions (the lack of action) and decisions of the inquirer, of the investigator, of the prosecutor or of the court, and to take part in their examination by the court;

15) to object to the termination of the criminal case on the grounds, stipulated by the second part of Article 27 of the present Code;

16) to participate in the legal proceedings on the criminal case in the courts of the first, the second and the appeals instance, as well as in the examination by the court of the issue of selecting with respect to him a measure of restriction and in the other cases, mentioned in Items from 1 to 3 and 10 of Part Two of Article 29 of this Code;

17) to get acquainted with the protocol of the court session and to submit comments on it;

18) to file an appeal against the sentence, the ruling or the resolution of the court and to receive the copies of the decisions he appeals against;

19) to receive the copies of the complaints and the presentations, lodged on the criminal case, and to file objections to these complaints and presentations;

20) to take part in the examination of the questions, involved in the execution of the sentence;

21) to defend himself while resorting to the other means and ways, not prohibited by the present Code.

5. Participation in the criminal case of the counsel for the defence or of the legal representative of the accused shall not serve as a ground for restricting any one right of the accused.

6. At the first interrogation of the accused, the inquirer shall explain to him his rights, stipulated by the present Article. At the subsequent interrogations, to the accused shall be once again explained his rights, stipulated by Items 3, 4, 7 and 8 of the fourth part of the present Article, if the interrogation is conducted without the participation of the counsel for the defence.

Article 48. Legal Representatives of an Under age Suspect and Accused

In the criminal cases for crimes committed by the under age, their legal representatives shall be involved into an obligatory participation in the criminal case in accordance with the procedure established by Articles 426 and 428 of the present Code.

Article 49. The Counsel for the Defence

1. Seen as the counsel for the defence shall be the person, carrying out the defence of the rights and the interests of the suspects and of the accused in conformity with the procedure, established by the present Code, and rendering to them legal advice during the court proceedings on the criminal case.

2. Admitted to coming out as counsels for the defence shall be lawyers. Under the ruling or decision of the court, admitted in the capacity of the counsel for the defence may also be, alongside the lawyer, one of the close relatives of the accused, or another person for whose admittance the accused has applied. If the proceedings are carried out by a justice of the peace, the said person may also be admitted instead of the lawyer.

3. The counsel for the defence takes part in the criminal case:

1) as from the moment when a ruling is passed on bringing the person to trial in the capacity of the defendant, with the exception of the cases stipulated by Items 2-5 of the present part;

2) from the time when a criminal case was opened in respect of a specific person;

3) as from the moment of the actual detention of the person suspected of committing a crime, in the cases:

a) stipulated by Articles 91 and 92 of the present Code;

b) of application towards him, in accordance with Article 100 of the present Code, of the measure of restriction in the form of taking into custody;

3.1) from the moment of serving a notification about being suspected of committing a crime in the procedure established by Article 223.1 of this Code;

4) as from the moment of the announcement to the person, suspected of committing a crime of the ruling on the appointment of the court-psychiatric examination;

5) as from the moment of the start of the other measures of the procedural coercion or of other procedural actions, infringing upon the rights and freedoms of the person suspected of committing a crime.

4. A lawyer shall be admitted to the participation in a criminal case in the capacity of the counsel for the defence upon the presentation of the lawyer's identification card and of the warrant.

5. If the counsel for the defence participates in the court proceedings on a criminal case, in the materials of which is contained some information comprising a state secret, while having no corresponding access to the said information, he shall be obliged to give a written recognizance not to divulge it.

6. One and the same person cannot act as the counsel for the defence for two suspects or accused, if the interests of one of them contradict the interests of the other.

7. The lawyer shall have no right to refuse from the assumed defence of the suspect and of the accused.

Article 50. Invitation, Appointment and Replacement of the Counsel for the Defence, and the Remuneration of His Labour

1. The counsel for the defence shall be invited by the suspect or by the accused, by his legal representative, or by the other persons on the orders or with the consent of the suspect or of the accused. The suspect or the accused shall have the right to invite several counsels for the defence.

2. At the request of the suspect and of the accused, the participation of the counsel for the defence shall be provided for by the inquirer, by the investigator or by the court.

3. If the invited counsel for the defence fails to appear in the course of five days from the day of entering an application for inviting the counsel for the defence, the inquirer, the investigator or the court shall have the right to suggest that the suspect or the accused shall invite another counsel for the defence, and if he refuses to do so, to take measures for an appointment of the counsel for the defence. If the counsel for the defence involved in the criminal case, cannot take part in the proceedings on the concrete procedural action in the course of five days, while the suspect or the accused does not invite another counsel for the defence and does not

lodge a petition on an appointment of such, the inquirer or the investigator shall have the right to carry out the given procedural action without the participation of the counsel for the defence, with the exception of the cases stipulated by Items 2-7 of the first part of Article 51 of the present Code.

4. If in the course of 24 hours from the moment of detention of the suspect or of taking the suspect or the accused into custody the counsel for the defence, invited by him, is unable to come, the inquirer or the investigator shall take measures for an appointment of the counsel for the defence. If the suspect or the accused rejects the appointed counsel for the defence, the investigative actions with the participation of the suspect or of the accused can be carried out without the participation of the counsel for the defence, with the exception of the cases, stipulated by Items 2-7 of the first part of Article 51 of the present Code.

5. If the lawyer takes part in conducting the preliminary investigation or in the court proceedings in accordance with the appointment by the inquirer or by the investigator, or by the court, the outlays on the remuneration of his labour shall be compensated from the funds of the federal budget.

Article 51. Obligatory Participation of the Counsel for the Defence

1. Participation of the counsel for the defence in the criminal court proceedings shall be obligatory, if:

1) the suspect or the accused has not refused from the counsel for the defence in the order established by Article 52 of the present Code;

2) the suspect or the accused is a minor;

3) the suspect or the accused cannot exercise his right to the defence on his own because of his physical or psychological defects;

3.1) the hearing shall be conducted in the procedure envisaged by Part 5 of Article 247 of the present Code;

4) the suspect or the accused does not have a good command of the language in which the proceedings on the criminal case are conducted;

5) the person is accused of committing a crime for which may be meted out a punishment in the form of deprivation of freedom for a term of over fifteen years, of life imprisonment or of capital punishment;

6) the criminal case is subject to consideration by a court with the participation of jurors;

7) the accused has entered a petition for the examination of the criminal case in accordance with the procedure, established by Chapter 40 of the present Code.

2. In the cases stipulated by Items 1-5 of the first part of the present Article, the participation of the counsel for the defence shall be provided for in the procedure, laid down by the third part of Article 49 of the present Code, and in the cases stipulated by Items 6 and 7 of the first part of the present Article - as from the moment of entering a petition for the

consideration of the criminal case by the court with the participation of jurors, or a petition for the examination of the criminal case in accordance with the procedure, established by Chapter 40 of the present Code, if only by a single one of the accused.

3. If in the cases, stipulated by the first part of the present Article, the counsel for the defence is not invited by the suspect or by the accused himself, or by his legal representative, or by the other persons on the orders of or with the consent of the suspect or of the accused, the inquirer, the investigator or the court shall provide for the participation of the counsel for the defence in the criminal court proceedings.

Article 52. Refusal from the Counsel for the Defence

1. The suspect or the accused shall have the right to refuse from the services of the counsel for the defence at any moment of the proceedings on the criminal case. Such refusal shall be admissible only at the initiative of the suspect or of the accused. Refusal to have a counsel for defence shall be made in writing. If a refusal to have a counsel for defence is announced during an investigative action, an annotation to this effect shall be entered in the minutes of such investigative action.

2. The waiver the counsel for the defence is not obligatory for the inquirer, the investigator and for the court.

3. Refusal from the counsel for the defence shall not deprive the suspect or the accused of the right subsequently to apply for the admittance of the counsel for the defence to the participation in the proceedings on the criminal case. Admittance of the counsel for the defence shall not entail a repetition of the procedural actions, which have already been carried out by this moment.

Article 53. Powers of the Counsel for the Defence

1. Right from the moment of being admitted to the participation in the criminal case, the counsel for the defence shall have the right:

1) to pay visits to the suspect or to the accused in conformity with Item 3 of the fourth part of Article 46 and with Item 9 of the fourth part of Article 47 of the present Code;

2) to collect and to present the proof, necessary for rendering legal advice, in accordance with the procedure, established by the third part of Article 86 of the present Code;

3) to involve a specialist in conformity with Article 58 of the present Code;

4) to be present when the accusation is brought;

5) to take part in the interrogation of the suspect or of the accused, as well as in the other investigative actions, performed with the participation of the suspect or of the accused, or at the latter's petition or at the petition of the counsel for the defence himself, in accordance with the procedure established by the present Code;

6) to get acquainted with the report on the detention, with the ruling on the application of a measure of restriction and with the protocols of investigative actions, carried out with the participation of the suspect or of the accused, as well as with the other documents that have been presented or should have been presented to the suspect or the accused;

7) after the completion of the preliminary investigation, to get acquainted with all the materials of the criminal case, to write out from the criminal case any information in any volume and to make the copies of the criminal case materials at his own expense, including with the use of technical devices;

8) to enter petitions and to file recusations;

9) to take part in the judicial proceedings on the criminal case in the courts of the first and the second instances and in the supervisory agency, as well in the examination of the issues, involved in the execution of the sentence;

10) to lodge complaints against the actions (the lack of action) and decisions of the inquirer, the investigator or the prosecutor, or of the court, and to take part in the consideration thereof by the court;

11) to make use of other means and ways of defence not prohibited by the present Code.

2. The defence council participating in the commission of an investigative action shall be entitled, within the framework of rendering legal aid to his/her defendant, to consult him briefly in the presence of the investigator, to pose questions to persons under interrogation by authority of the investigator, to make remarks in writing as to the correctness and completeness of entries made in the record of a given investigative action. The investigator may reject the defence counsel's questions but shall be obliged to enter rejected questions in the record.

3. The counsel for the defence shall have no right to divulge the data of the preliminary investigation about which he has learned in connection with the performance of the defence, if he was warned to this effect in advance in accordance with the procedure, established by Article 161 of the present Code. The counsel for the defence shall be held responsible for the divulgence of the data of the preliminary investigation in conformity with Article 310 of the Criminal Code of theRussian Federation.

Article 54. The Civil Defendant

1. Brought to criminal liability in the capacity of a civil defendant may be a natural or a legal person, who (which), in conformity with the Civil Code of the Russian Federation, is held responsible for a damage caused by a crime. On bringing a natural or legal person to criminal responsibility, the inquirer, investigator, or judge shall pass a resolution, and the court - a ruling.

2. The civil defendant shall have the right:

1) to know about the substance of the claims and about the circumstances on which they are based;

2) to object to the filed civil claim;

3) to give explanations and evidence on the merits of the filed claim;

4) to refuse to testify against himself, his (her) spouse and other close relatives, whose circle is delineated by Item 4 of Article 5 of the present Code. If the civil defendant agrees to give evidence, he must be warned that his testimony may be used as proof in the criminal case, even if he subsequently renounces it;

5) to give evidence in the native tongue or in a language of which he has a good command, and to make use of an interpreter's services free of charge;

6) to have a representative;

7) to collect and present proof;

8) to enter petitions and to file recusations;

9) after the preliminary investigation is completed, to get acquainted with the criminal case materials concerning the filed civil claim, and to write out of the criminal case the corresponding excerpts and make the copies of those materials of the criminal case, which concern the civil claim, at his own expense, including with the use of technical devices;

10) to participate in the judicial proceedings on the criminal case in the courts of original jurisdiction, second and supervisory jurisdiction;

11) to take the floor during the judicial debates;

12) to lodge complaints against the actions (lack of action) and decisions of the inquirer, the investigator and the prosecutor, and of the court in the part concerning the civil claim, and to participate in the consideration thereof by the court;

13) to get acquainted with the record of the judicial proceedings and to submit comments on it;

14) to file an appeal against the sentence, the ruling or the resolution of the court in the part concerning the civil claim, and to participate in the examination of the complaint by a higher placed court;

15) to know about the complaints and presentations filed in the criminal case, and to submit objections to them if they infringe upon his interests.

3. The civil defendant shall have no right:

1) to evade the attendance at the summons of the inquirer, the investigator or the appearance before the court.

2) to divulge the data of the preliminary investigation, of which he has learned in connection with his participation in the procedure on the criminal case, if he was warned to this effect in advance in accordance with the procedure established by Article 161 of the present Code. For the divulgence of the data of the preliminary investigation, the civil defendant shall be held responsible in conformity with Article 310 of the Criminal Code of the Russian Federation.

Article 55. Representative of the Civil Defendant

1. Coming out as representatives of a civil defendant may be lawyers, and as representatives of a civil defendant who is a legal entity - also other persons, authorized to represent its interests in conformity with the Civil Code of the Russian Federation. By the ruling of the court or by the resolution of the judge, the investigator or the inquirer, to coming out as a representative of the civil defendant may also be admitted one of the close relatives of the civil defendant or another person, for whose admittance the civil defendant has applied.

2. The representative of the civil defendant shall enjoy the same rights as the person he is representing.

3. The civil defendant's personal participation in the procedure on the criminal case shall not deprive him of the right to have a representative.

Chapter 8. Other Participants in the Criminal Court Proceedings

Article 56. The Witness

1. Seen as a witness shall be the person who may be aware of certain circumstances of importance to the investigation and to the resolution of a criminal case, and who is summoned for giving evidence;

2. The summons and the interrogation of witnesses shall be performed in accordance with the procedure, laid down by Articles 187-191 of the present Code.

3. Not subject to an interrogation as witnesses shall be:

1) a judge and the juror - about circumstances of the case, which have become known to them in connection with their participation in the procedure on the given criminal case;

2) a lawyer, the counsel for the defence of the suspect and of the accused - about the circumstances, which have become known to him in connection with applying to him/her for legal aid or in connection with rendering it;

3) a lawyer - about the circumstances, which have become known to him in connection with rendering legal advice;

4) a priest - about the circumstances, which he has learned from the confession;

5) a member of the Federation Council, a Deputy of the State Duma without their consent - about the circumstances, which have become known to them in connection with their discharge of their powers.

4. A witness shall have the right:

1) to refuse to testify against himself, his (her) spouse and other close relatives, whose circle is delineated by Item 4 of Article 5 of the present Code. If the witness consents to furnish evidence, he shall be

warned that his testimony may be used as the proof in the criminal case, even if he subsequently renounces them;

2) to give evidence in his native tongue or in the language, of which he has a good command;

3) to make use of an interpreter's services free of charge;

4) to enter a recusation against the interpreter, taking part in his interrogation;

5) to enter petitions and file complaints against the actions (the lack of action) and decisions of the inquirer, the investigator and the prosecutor, or of the court;

6) to come to an interrogation with a lawyer, in conformity with the fifth part of Article 189 of the present Code;

7) to make a request for the application of the measures of security, stipulated by the third part of Article 11 of the present Code.

5. The witness cannot be forcibly subjected to the court examination or to a personal examination, with the exception of the cases, stipulated by the first part of Article 179 of the present Code.

6. The witness shall have no right:

1) to evade the attendance at the summons of the inquirer, the investigator, or the appearance, upon summons, to the court;

2) to give deliberately false evidence or to refuse to give evidence;

3) to disclose the data of the preliminary investigation, which he has learned in connection with his participation in the proceedings on the criminal case, if he was warned to this effect in advance in accordance with the order, established by Article 161 of the present Code. the Criminal Code of the Russian Federation.

7. If he fails to appear upon summons without serious reasons, the witness may be brought along under coercion.

8. For giving a deliberately false evidence or for the refusal to give evidence, the witness shall be held responsible in accordance with Articles 307 and 308 of the Criminal Code of the Russian Federation.

9. For the divulgence of the data of the preliminary investigation, the witness shall be held liable in conformity with Article 310 of the Criminal Code of the Russian Federation.

Article 57. The Expert

1. Seen as an expert shall be the person, possessing special knowledge and appointed, in accordance with the procedure established by the present Code, for carrying out the court examination and for issuing the conclusion.

2. The summons of an expert, the appointment and the performance of the court examination shall be carried out in accordance with the procedure, laid down by Articles 195-207, 269, 282 and 283 of the present Code.

3. The expert shall have the right:

1) to get acquainted with the materials of the criminal case, referred to the object of the court examination;

2) to request to supply him with additional materials, necessary for the issue of the conclusion, or to invite other experts for carrying out the court examination;

3) to take part in the procedural actions with the permission of the inquirer, the investigator and the court, and to ask the questions concerning the object of the court examination;

4) to issue a conclusion within the scope of his competence, including on the issues, relevant to the object of the expert study, even though they were not raised in the ruling on the appointment of the court examination;

5) to lodge complaints against the actions (the lack of action) and decisions of the inquirer, the investigator and the prosecutor, and of the court, restricting his rights;

6) to refuse to submit a conclusion on a issues outside the limits of special knowledge as well as in the cases when the materials supplied to him, are insufficient for giving out the conclusion. The refusal to submit a conclusion has to be declared by an expert in writing stating the reasons for the refusal.

4. The expert shall have no right:

1) to conduct talks with the participants in the criminal court proceedings on the issues, involved in carrying out the court examination without the investigator and the court knowing about this;

2) to collect on his own materials for an expert study;

3) to conduct without the permission of the inquirer, the investigator or the court the studies, which may lead to the full or a partial destruction of the objects, or to a change of their external appearance or basic properties;

4) to issue a deliberately false conclusion;

5) to divulge the data of the preliminary investigation, which have become known to him in connection with the participation in the criminal case in the capacity of an expert, if he was warned to this effect in advance in accordance with the procedure, established by Article 161 of the present Code;

6) to evade to appear, when summoned by an inquirer, investigator or by court.

5. The expert shall be held responsible for presenting a deliberately false conclusion in conformity with Article 307 of the Criminal Code of the Russian Federation.

6. The expert shall be held liable for the divulgence of data of the preliminary investigation in conformity with Article 310 of the Criminal Code of the Russian Federation.

Article 58. The Specialist

1. Seen as the specialist shall be the person possessing special knowledge and invited to take part in the procedural actions in the order,

established by the present Code, for rendering assistance in the exposure, confirmation and seizure of objects and the documents, and in the application of technical devices in the study of the criminal case materials, for formulating questions to be put to the expert and also for an explanation to the parties and to the court of issues embraced by his professional competence.

2. The summons of a specialist and the procedure for his participation in the criminal court proceedings are defined in Articles 168 and 270 of the present Code.

3. The specialist shall have the right:

1) to refuse to take part in the procedure on the criminal case, if he does not possess the corresponding special knowledge;

2) to put questions to the participants in the investigative action with the permission of the inquirer, the investigator, or the court;

3) to get acquainted with the record of the investigative action, in which he has taken part, and to make statements and comments that shall be entered into the record;

4) to lodge complaints against the actions (lack of action) and decisions of the inquirer, the investigator or the prosecutor, or the court, restricting his rights.

4. The specialist shall have no right to evade to appear when summoned by an inquirer, investigator or by the court, as well as to divulge data of the preliminary investigation, of which he has learned in connection with participation in the procedure on the criminal case as a specialist, if he was warned to this effect in advance in accordance with the procedure, laid down by Article 161 of the present Code. The specialist shall be held liable for the divulgence of the data of the preliminary investigation in conformity with Article 310 of the Criminal Code of the Russian Federation.

Article 59. The Interpreter

1. Seen as the interpreter shall be a person invited to take part in the criminal court proceedings in cases envisaged by the present Code, who has a perfect command of the language, the knowledge of which is indispensable for making the translation.

2. On the appointment of a person as an interpreter, the inquirer, the investigator or the judge shall pass a resolution, and the court - a ruling. The summons of the interpreter and the procedure for his taking part in the criminal court proceedings are defined by Articles 169 and 263 of the present Code.

3. The interpreter shall have the right:

1) to put questions to the participants in the criminal court proceedings for making the translation more accurate;

2) to get acquainted with the record of the investigative action, in which he has taken part, as well as with the record of the court session,

and to comment on the correctness of the recording of the translation, which shall be entered into the protocol;

3) to file complaints against the action (the lack of action) and decisions of the inquirer, the investigator, the prosecutor and the court, restricting his rights.

4. The interpreter shall have no right:

1) to make a deliberately incorrect translation;

2) to divulge the data of the preliminary investigation, which have become known to him in connection with his participation in the procedure on the criminal case in the capacity of an interpreter, if he was warned to this effect in advance in the order established by Article 161 of thepresent Code;

3) to evade to appear when summoned by an inquirer, investigator or by court.

5. For a deliberately incorrect translation and for the divulgence of data of the preliminary investigation, the interpreter shall be held liable in conformity with Articles 307 and 310 of the Criminal Code of the Russian Federation.

6. The rules formulated in the given Article, shall also be spread to a person, who has mastered the skill of interpreting the language of the deaf-and-dumb and who has been invited to participate in the proceedings on the criminal case.

Article 60. An Attesting Witness

1. Seen as an attesting witness or the witness of an investigative action, shall be the person, not interested in the outcome of the criminal case, who is invited by the inquirer, the investigator to certify the fact of an investigative action having been conducted, as well as the content, the process and the results of an investigative action.

2. Cannot be acting as attesting witnesses:

1) minors;

2) the participants in the criminal court proceedings, their close relatives and relations;

3) workers of the executive power bodies, endowed in conformity with the federal law with the powers, involved in the performance of the operational-search activity and/or of the preliminary investigation.

3. An attesting witness shall have the right:

1) to take part in an investigative action and to make statements and comments on the investigative action, which shall be entered into the record;

2) to get acquainted with the record of the investigative action, in whose performance he has taken part;

3) to file complaints against the actions (the lack of action) and decisions of the inquirer, the investigator and the prosecutor, restricting his rights.

4. An attesting witness shall have no right to evade to appear, when summoned by an inquirer, investigator or by a court, as well as to divulge the data of the preliminary investigation, if he was warned to this effect in advance in accordance with the procedure, laid down by Article 161 of the present Code. An attesting witness shall be liability for the divulgence of the data of the preliminary investigation in conformity with Article 310 of the Criminal Code of the Russian Federation.

Chapter 9. Circumstances, Precluding the Participation in Criminal Court Proceedings

Article 61. Circumstances, Precluding the Participation in Proceedings in a Criminal Case

1. The judge, prosecutor, investigator and the inquirer cannot take part in the proceedings in a criminal case, if he:

1) is the victim, civil claimant, civil defendant or witness in the given criminal case;

2) has participated as a juror, expert, specialist, interpreter, attesting witness, secretary of the court session, counsel for the defence or legal representative of the suspect or of the accused, representative of the victim, of the civil claimant or of the civil defendant, and as concerns the judge - also as the inquirer, investigator or prosecutor in the proceedings in the given criminal case;

3) is a close relative or a relation of any one of the participants in the proceedings in the given criminal case.

2. The persons, pointed out in the first part of the present Article, cannot take part in the proceedings on the criminal case also if there exist the other circumstances, giving a ground to believe that they are personally, whether directly or indirectly, interested in the outcome of the given criminal case.

Article 62. Inadmissibility of the Participation in the Proceedings in the Criminal Case of the Persons Subject to Recusation

1. If there are grounds for the recusation, envisaged by the present Chapter, the judge, prosecutor, investigator, inquirer, secretary of the court session, interpreter, expert, specialist, counsel for the defence, as well as the representatives of the victim, of the civil claimant or of the civil defendant shall be obliged to evade the participation in the proceedings in the criminal case.

2. If the persons, pointed out in the first part of the present Article, have not evaded the participation in the proceedings in the criminal case, the recusation against them may be entered by the suspect and the accused, by his legal representative or by his counsel for the defence, as well as by the public prosecutor, the victim, the civil claimant, the civil defendant or their representatives.

Article 63. Inadmissibility of the Judge's Repeated Participation in Consideration of a Criminal Case

1. The judge, who has taken part in the consideration of the criminal case in the first instance court, cannot take part in the examination of the given criminal case in the court of the second instance or by way of supervision, or to take part in the new consideration of the criminal case in the court of the first or second instance or by way of supervision, if the sentence or the ruling or the decision on the termination of the criminal case, passed with his participation, has been cancelled.

2. The judge, who has taken part in the examination of the criminal case in the court of the second instance, cannot participate in the consideration of this criminal case in the court of the first instance or by way of supervision, or in the new consideration of the same case in the court of the second instance after the cancellation of the sentence, of the ruling or of the decision, passed with his participation.

3. The judge, who has taken part in the examination of a criminal case by way of supervision, cannot take part in the examination of the same criminal case in the court of the first or of the second instance.

Article 64. Application of a Recusation Against the Judge

1. If there exist the circumstances, envisaged by Articles 61 and 63 of the present Code, against the judge may be filed a recusation by the participants in the criminal court proceedings.

2. A recusation against the judge shall be filed before the start of the judicial investigation, and if the criminal court is examining the criminal case with the participation of jurors - before the college of jurors is formed. In the course of the further court session, an application of the recusation shall be admissible only if the reason for it was not previously known to the party.

Article 65. Procedure for the Consideration of an Application of Recusation Against the Judge

1. The recusation, filed against the judge, shall be resolved by the court in the retiring room by passing a ruling or a resolution.

2. The recusation, filed against the judge, shall be resolved by the rest of the judges, if the criminal case is considered by the court collectively, in the absence of the judge, against whom the recusation is filed. The judge, against whom the recusation is filed, shall have the right to publicly make an explanation concerning the recusation filed against him, before the rest of the judges depart to the retiring room.

3. The recusation filed against several judges or the challenge to the constitution of the court as a whole shall be resolved by the same court in the full composition by way of the majority vote.

4. The recusation filed against the judge examining the criminal case on his own, or the petition of the application of the measure of restriction or

of the performance of investigative actions, or the complaint against the resolution on the refusal to institute a criminal case or to terminate it, shall be resolved by the same judge.

5. If the application for the disqualification of the judge, of several judges or of the constitution of the court as a whole is satisfied, the criminal case, the application or the complaint shall be handed over for conducting the proceedings to another judge or to another composition of the court, respectively, in accordance with the procedure laid down by the present Code.

6. If simultaneously with the recusation against the judge, a recusation against any other participants in the proceedings on the criminal case is entered, the question about the disqualification of the judge shall be resolved first.

Article 66. Disqualification of the Prosecutor

1. The decision on the disqualification of the prosecutor in the course of the pre-trial proceedings on a criminal case shall be taken by a higher placed prosecutor, and in the course of the court proceedings - by the court, considering the criminal case.

2. The prosecutor's participation in the proceedings of a preliminary investigation, as well as his participation in the court proceedings, shall not be seen as an obstacle to the further participation of the prosecutor in the proceedings on the given criminal case.

Article 67. Recusation of the Investigator or of the Inquirer

1. A decision on recusation of an investigator shall be adopted by the chief of an investigatory agency, while a decision on recusation of an inquirer shall be adopted by the procurator.

2. The previous participation of the investigator and of the inquirer in conducting a preliminary investigation on the given criminal case shall not be seen as a reason for his recusation.

Article 68. Recusation of the Secretary of the Court Session

1. A decision on the recusation of the secretary of the court session shall be adopted by the court, considering the criminal case, or by the judge, presiding over the court with the participation of jurors.

2. The person's previous participation in the proceedings on the criminal case in the capacity of the secretary of the court session shall not be seen as a reason for his recusation.

Article 69. Recusation of the Interpreter

1. A decision on the recusation of the interpreter in the course of the pre-trial proceedings on the criminal case shall be taken by the inquirer, the

investigator, or by the court in the cases, envisaged by Article 165 of the present Code. In the course of the court proceedings, said decision shall be adopted by the court, examining the given criminal case, or by the judge, presiding over the court with the participation of jurors.

2. If there exist the circumstances envisaged by Article 61 of the present Code, the recusation against the interpreter may be filed by the parties, and if the interpreter's lack of competence is exposed - also by the witness, by the expert or by the specialist.

3. The person's previously taking part in the proceedings on the criminal case in the capacity of an interpreter shall not be seen as a reason for his recusation.

Article 70. Recusation of the Expert

1. Decision on the recusation of the expert shall be passed in the order, established by the first part of Article 69 of the present Code.

2. The expert cannot take part in the proceedings on a criminal case, if:

1) there exist the circumstances, envisaged by Article 61 of the present Code. His previous participation in the proceedings on the criminal case in the capacity of the expert or specialist shall not be seen as a reason for the recusation;

2) he has been or is in the official or in the other kind of dependence upon the parties or upon their representatives;

3) his incompetence is exposed.

Article 71. Recusation of the Specialist

1. Decision on the recusation of the specialist shall be adopted in the order, established by the first part of Article 69 of the present Code.

2. The specialist cannot take part in the proceedings on a criminal case, if there exist the circumstances, envisaged by the second part of Article 70 of the present Code. The person's previously taking part in the proceedings on the criminal case in the capacity of the specialist shall not be seen as a reason for his recusation.

Article 72. Circumstances, Precluding the Participation in the Proceedings on a Criminal Case of the Counsel for the Defence and of the Representative of the Victim, of the Civil Claimant or of the Civil Defendant

1. The counsel for the defence and the representative of the victim, of the civil claimant or of the civil defendant shall have no right to take part in the proceedings on a criminal case, if he:

1) has earlier taken part in the proceedings on the given criminal case in the capacity of the judge, prosecutor, investigator, inquirer, secretary of the court session, witness, expert, specialist, interpreter or attesting witness;

2) is a close relative or a relation of the judge, the prosecutor, the investigator, the inquirer, the secretary of the court session, who has taken or is taking part in the proceedings on the given criminal case, or of the person, whose interests contradict the interests of the participant in the criminal court proceedings who has concluded with him an agreement on providing the defence;

3) is rendering or has earlier rendered legal advice to the person, whose interests contradict the interests of the suspect or of the accused he is presently defending, or of the victim, the civil claimant or the civil defendant he is representing.

2. Decision on the recusation of the counsel for the defence and of the representative of the victim, of the civil claimant or of the civil defendant shall be taken in accordance with the procedure, established by the first part of Article 69 of the present Code.

Section III. Proof and Proving

Chapter 10. Proof in the Criminal Court Proceedings

Article 73. Circumstances Subject to Proving

1. Subject to proving in the proceedings on a criminal case shall be:

1) the event of the crime (the time, place, mode and the other circumstances of committing the crime);

2) the person's being guilty of committing the crime, the form of his guilt and the motives;

3) the circumstances, characterizing the personality of the accused;

4) the character and the size of the damage caused by the crime;

5) the circumstances, excluding the criminality and the punishability of the action;

6) the circumstances, mitigating and aggravating the punishment;

7) the circumstances which may entail relief from the criminal liability and from the punishment.

8) circumstances confirming that the property subject to confiscation according to Article 104.1 of the Criminal Code of the Russian Federation has been received as the result of committing a crime or is deemed income from such property or has been used or intended for being used as an instrument of crime or for financing terrorism, an organised group, illegal armed formation or criminal community (criminal organisation).

2. The circumstances conducive to perpetration of the crime shall also be subject to exposure.

Article 74. Proof

1. Seen as the proof on the criminal case shall be all the information, on the ground of which the court, the prosecutor, the investigator and the

inquirer, in accordance with the procedure defined by the present Code, establish the existence or the absence of the circumstances, subject to proving in the course of the proceedings on the criminal case, as well as of the other circumstances of importance for the criminal case.

2. Admissible as the proof shall be:

1) the evidence given by the suspect and by the accused;

2) the evidence borne by the victim and by the witness;

3) the conclusion and the testimony of the expert;

3.1) the conclusion and testimony of a specialist;

4) demonstrative proof;

5) records of the investigative and the judicial actions;

6) other documents.

Article 75. Inadmissible Proof

1. The proof, obtained with a violation of the demands of the present Code, shall be qualified as inadmissible. Inadmissible proof are deprived of legal force and cannot serve as a basis for the accusation or be used for proving any one of the circumstances, listed in Article 73 of the present Code.

2. Referred as inadmissible proof shall be:

1) evidence given by the suspect and by the accused in the course of the pre-trial proceedings on the criminal case in the absence of the counsel for the defence, including the cases of the refusal from counsel for the defence, and not confirmed by the suspect and by the accused in the court;

2) the evidence of the victim and of the witness, based on a surmise, a supposition or hearsay, as well as the testimony of the witness, who cannot indicate the source of his knowledge;

3) the other proof, obtained with a violation of the demands of the present Code.

Article 76. Evidence of the Suspect

Seen as the evidence of the suspect shall be the information he has provided at the interrogation, conducted in the course of the pre-trial proceedings in conformity with the demands of Articles 187-190 of the present Code.

Article 77. Evidence of the Accused

1. Seen as the evidence of the accused shall be the information he has supplied at an interrogation, conducted in the course of the pre-trial proceedings on the criminal case or in the court in conformity with the demands of Articles 173, 174, 187-190 and 275 of the present Code.

2. Admission by the accused of his guilt in committing the crime can serve as the foundation for the charge only if his guilt is confirmed by the aggregate of the proof, existing on the criminal case.

Article 78. Evidence of the Victim

1. Seen as evidence of the victim shall be the information he has supplied at an interrogation, conducted in the course of the pre-trial proceedings on the criminal case or in court in conformity with the demands of Articles 187-191 and 277 of the present Code.

2. The victim may be interrogated about any kind of circumstances subject to being proved during the proceedings on the criminal case, including about his relationships with the suspect or with the accused.

Article 79. Evidence of the Witness

1. Seen as the evidence of the witness shall be the information he has supplied at an interrogation, conducted in the course of the pre-trial proceedings on the criminal case or in the court in conformity with the demands of Articles 187-191 and 278 of the present Code.

2. The witness may be interrogated about any kind of the circumstances that have a bearing on the criminal case, including about the personality of the accused and of the victim, as well as about his relationships with them and other witnesses.

Article 80. Conclusion and Evidence of the Expert and Specialist

1. Seen as the conclusion of the expert shall be the content of his investigation and his conclusions on the questions put to him by the person, conducting the proceedings on the criminal case, or by the parties, presented by him in writing.

2. Seen as the evidence of the expert shall be the information he has supplied at an interrogation, carried out after receiving his conclusion, for the clarification or the specification of the given conclusion in conformity with the demands of Articles 205 and 282 of the present Code.

3. The conclusion of a specialist - a written opinion in respect of the questions posed to specialists by the parties.

4. The evidence of a specialist - data imparted by him/her during an interrogation on circumstances which require special knowledge, as well as the clarification of his/her opinion in compliance with the requirements of Article 53, 168 and 271 of this Code.

Article 81. Demonstrative Proof

1. Recognized as demonstrative proof shall be any objects:

1) which have served as instruments of crime or have retained on themselves the prints of the crime;

2) at which the criminal actions were aimed;

2.1) money, valuables and another property received as the result of commission of a crime;

3) the other objects and documents which can serve as the means for the exposure of the crime and for the establishment of the circumstances of the criminal case.

2. The objects mentioned in the first part of the present Article, shall be examined, identified as demonstrative proof and enclosed to the criminal case, on which the corresponding resolution shall be passed. The procedure for the storage of demonstrative proof is established by the present Article and by Article 82 of this Code.

3. When passing the sentence, as well as the ruling or the resolution on the termination of the criminal case, the issue of demonstrative proof shall also be resolved. In doing this:

1) the instruments of the crime, belonging to the accused, shall be subject to confiscation, or shall be handed over to the corresponding institutions or shall be destroyed;

2) objects prohibited for the use shall be handed over to the corresponding institutions or destroyed;

3) objects of no value and not claimed back by the party, shall be destroyed and if the interested persons or institutions lodge an application. They may be handed over to them;

4) money, valuables and another property received as the result of committing a crime, and incomes from such property are subject to return to the legal owner;

4.1) the money, valuables and other property mentioned in Items "b" - "c" of Part 1 of Article 104.1 of the Criminal Code of the Russian Federation are subject to confiscation in the procedure established by the Government of the Russian Federation, except for the cases envisaged by Item 4 of the present part;

5) documents which are demonstrative proof shall be kept in the criminal case materials in the course of the entire term of the latter's storage, or shall be handed over to the interested persons upon their application;

6) the rest of the objects shall be handed over to their lawful owners, and if the latter are not identified, they shall be passed into the ownership of the state. Disputes on the ownership of demonstrative proof shall be resolved by the civil court proceedings.

4. Objects seized in the course of the pre-trial proceedings but not recognized as demonstrative proof, shall be returned to the persons, from whom they were seized.

Article 82. Storage of Demonstrative Proof

1. Demonstrative proof shall be kept in the criminal case file till the sentence comes into legal force or till an expiry of the term, fixed for lodging an appeal against the resolution or the ruling on the termination of the criminal case, and shall be handed over together with the criminal case, with the exception of the cases, stipulated by the present Article. If the dispute on the right to the property, which is a demonstrative proof, is subject to resolution by the civil court proceedings, the demonstrative proof shall be kept until the court sentence comes into force.

2. Demonstrative proof in the form of:

1) the objects which, because of their bulk or for other reasons cannot be kept in the criminal case file, including large lots of commodities that are difficult to keep in storage, or the outlays on ensuring special conditions for whose storage are incomparable with their cost:

a) shall be photographed or recorded onto a video or cinema film, shall be sealed up if possible and kept at the place, indicated by the inquirer or the investigator. To the criminal case materials shall be enclosed the document on the place of location of such demonstrative proof, and a sample of the demonstrative proof, sufficient for carrying out a comparative study, may also be enclosed;

b) shall be returned to their lawful owner, if this is possible without a detriment to proving;

c) shall be handed over for realization in the order, established by the Government of the Russian Federation. The funds, derived from the realization, shall be entered in conformity with the present part onto the deposit account of the body, which has passed the decision on the seizure of the said demonstrative proof, for a term envisaged in the first part of the present Article. To the criminal case materials may also be enclosed a sample of the demonstrative proof, sufficient for a comparative study;

2) the perishable commodities and products, as well as the property, subject to a rapid moral depreciation, whose storage is difficult or the outlays for ensuring special terms for whose storage are commensurate with their cost, may be:

a) returned to their owners;

b) if the return is impossible, they shall be handed over for realization in accordance with the procedure, laid down by the Government of the Russian Federation. The funds, derived from the realization, shall be entered onto the deposit account of the body, which has adopted the decision on the seizure of the said demonstrative proof, or of the bank or another credit institution, pointed out in the list to be compiled by the Government of the Russian Federation, for a term stipulated in the first part of the present Article. To the criminal case file may be enclosed a sample of the demonstrative proof, sufficient for a comparative study;

c) destroyed, if the perishable commodities and products have become useless. In this case, a protocol shall be compiled in conformity with the demands of Article 166 of the present Code;

3) ethyl alcohol, alcohol and alcohol-containing products, withdrawn from an illegal turnover, as well as the objects whose long-term storage is dangerous for the life and health of people or for the environment, shall be handed over after performing the necessary studies into the technological processing or shall be destroyed, about which a protocol shall be compiled in conformity with the demands of Article 166 of the present Code;

3.1) money, valuables and another property received as the result of committing a crime, and incomes from such property discovered in the

course of investigative actions are subject to seizure in the procedure established by Article 115 of the present Code;

4) money and valuables, seized when conducting the investigative actions, after they are examined and after the other necessary investigative actions are performed:

a) shall be handed over for keeping to the bank or to the other credit institution in conformity with Subitem b) of Item 2 of the present part;

b) may be kept enclosed to the criminal case file, if individual marks of the monetary banknotes are of importance for proving proof.

3. The other terms for keeping, recording and handing over separate categories of demonstrative proof shall be established by the Government of the Russian Federation.

4. In the cases, stipulated by Subitems b) and c) of Item 1 and by Subitem a) of Item 2 of the second part of the present Article, the inquirer, investigator or judge shall pass a resolution.

5. If the criminal case is handed over by the body of inquiry to the investigator, or from one body of inquiry to another, or from one investigator to another, and also if the criminal case is directed to the prosecutor or to the court, or if the criminal case is handed over from one court to another, the demonstrative proof shall be handed over together with the criminal case, with the exception of the cases mentioned in the present Article.

Article 83. Reports on the Investigative Actions and Protocols of the Court Session

The reports on the investigative actions and the protocols of the court sessions shall be seen as admissible as proof, if they satisfy the demands, established by the present Code.

Article 84. Other Documents

1. Other documents shall be admitted as proof if the information supplied in them is of importance for the establishment of the circumstances, pointed out in Article 73 of the present Code.

2. The documents may contain information, reflected both in writing and in another form. Here may belong the materials of photography and cinema shooting, the audio and video recordings and the other carriers of information, obtained, demanded or presented in the order established by Article 86 of the present Code.

3. The documents shall be enclosed to the criminal case materials and shall be kept over the entire term of its storage. Upon the application of their lawful owner, the documents, seized and enclosed to the criminal case, or their copies may be handed over to him.

4. The documents, bearing the signs, mentioned in the first part of Article 81 of the present Code, shall be recognized as demonstrative proof.

Chapter 11. Proving

Article 85. Proving

The proving shall consist of the collection, verification and estimation of proof for the purpose of establishing the circumstances, envisaged in Article 73 of the present Code.

Article 86. Collection of Proof

1. Proof shall be collected in the course of the criminal court proceedings by the inquirer, the investigator, the prosecutor and the court through the performance of the investigative and of the other procedural actions, stipulated by the present Code.

2. The suspect or the accused, as well as the victim, the civil claimant, the civil defendant and their representatives shall have the right to collect and submit the written documents and the objects for enclosing them to the criminal case as proof.

3. The counsel for the defence shall have the right to collect proof by way of:

1) obtaining the objects, documents and other information;

2) questioning the persons with their consent;

3) demanding the reference notes, characteristics and other documents from the state power bodies, from the local self-government bodies and from the public associations and organizations, which are obliged to supply the requested documents or the copies thereof.

Article 87. Checking the Proof

The proof shall be checked by the inquirer, by the investigator, by the prosecutor and by the court by comparing them with the other proof kept in the criminal case, as well as by establishing their sources and by obtaining other proof, confirming or repudiating the proof under the check-up.

Article 88. Rules for the Assessment of Proof

1. Every proof shall be assessed from the point of view of its referability, admissibility and authenticity, and all collected proof in the aggregate - of their sufficiency for the resolution of the criminal case.

2. In the cases, mentioned in the second part of Article 75 of the present Code, the court, the prosecutor, the investigator and the inquirer shall recognize the proof as inadmissible.

3. The prosecutor, the investigator and the inquirer shall have the right to recognize a proof to be inadmissible upon the application from the suspect or the accused, or at their own initiative. The proof recognized as inadmissible shall not be included into the conclusion of guilt or into the bill of indictment.

4. The court shall have the right to recognize a proof as inadmissible upon the parties' application or at its own initiative in accordance with the procedure, established by Articles 234 and 235 of the present Code.

Article 89. Using Results of the Operational-Search Activity in Proving

It shall be prohibited in the course of proving to make use of the results of the operational-search activity, if they do not satisfy the demands, made on the proof by the present Code.

Article 90. Prejudice

The circumstances, established by the sentence which has come into legal force, shall be recognized by the court, by the prosecutor, by the investigator and by the inquirer without an additional verification, unless these circumstances raise the court's doubts. Such sentence, however, cannot prejudge the guilt of the persons, who have not taken part in the criminal case under consideration earlier.

Section IV. Measures of Procedural Coercion

Chapter 12. Detention of the Suspect

Article 91. Grounds for the Detention of the Suspect

1. The body of inquiry (inquest), the inquirer, the investigator shall have the right to detain the person on suspicion of committing a crime, for which may be administered the punishment in the form of the deprivation of freedom, if one of the following grounds exists:

1) this person is caught red-handed when committing the crime, or immediately after committing it;

2) the victims or the witnesses point to the given person as the perpetrator of the crime;

3) on this person or in his clothes, near him or in his dwelling undoubted traces of the crime are found.

2. If there exist other data, providing grounds for suspecting the person of the perpetration of the crime, he may be detained if he has made an attempt to flee, or if he does not have a permanent place of residence, or if his person has not been identified, or if the investigator with the consent of the chief of and investigatory agency or the inquirer with the consent of the prosecutor, has directed a petition to the court on selecting with respect to the said person a measure of restriction in the form of taking into custody.

Article 92. Procedure for the Detention of the Suspect

1. After the suspect is brought to the body of inquiry or to the investigator, a custody report shall be compiled within a term of not over three hours, in which shall be made a note that the rights, stipulated by Article 46 of the present Code, have been explained to the suspect.

2. In the report shall be pointed out the date and time of compiling it, the date, time and the place of, and the grounds and the motives for the

detention, the results of his personal search and other circumstances of his detention. The custody report shall be signed by the person who has compiled it and by the suspect.

3. The body of inquiry, the inquirer or the investigator shall be obliged to report to the public prosecutor about the detention in writing within twelve hours from the moment of detaining the suspect.

4. The suspect shall be interrogated in conformity with the demands of the second part of Article 46 and of Articles 189 and 190 of the present Code. Before the interrogation starts the suspect at his request shall be provided with an opportunity to meet his defence counsel in private and confidentially. Where it is necessary to commit procedural actions with the participation of the suspect, the duration of a meeting exceeding two hours may be limited by the inquirer, investigator with obligatory preliminary notification of the suspect and his/her defence counsel on it. In any case the duration of the meeting may not be less than 2 hours.

Article 93. Personal Search of the Suspect

The suspect may be subjected to a personal search in accordance with the procedure, established by Article 184 of the present Code.

Article 94. Grounds for the Release of the Suspect

1. The suspect shall be released by the decision of the inquirer or of the investigator, if:

1) the suspicion of his committing a crime has not been confirmed;

2) there are no grounds to apply towards him a measure of restriction in the form of taking into custody;

3) the detention was made with a violation of the demands of Article 91 of the present Code.

2. After an expiry of 48 hours from the moment of detention, the suspect shall be released, unless with respect to him is selected a measure of restriction in the form of taking into custody or the court has extended the term of detention in the order, established by Item 3 of the part 7 of Article 108 of the present Code.

3. If the resolution of the judge on the application towards the suspect of the measure of restriction in the form of taking into custody or on an extension of the term of detention does not arrive within 48 hours as from the moment of detention, the suspect shall be immediately set free, about which the head of the place where the suspect was held in custody shall notify the body of inquiry or the investigator, under whose jurisdiction the criminal case is placed, and the public prosecutor.

4. If there exists a ruling or a resolution of the court on the refusal to satisfy the petition of the inquirer, of the investigator for selecting towards the suspect the measure of restriction in the form of taking into custody, a copy of this ruling or resolution shall be handed over to the suspect upon his release.

5. Upon the release of the suspect from custody he shall be issued a reference note, in which it shall be pointed out by whom he was detained, the date, time and the place of, and the grounds for the detention, as well as the date, time of and the grounds for his release.

Article 95. Procedure for Holding the Suspects in Custody

1. The procedure and the conditions for holding the suspects in custody shall be defined by the federal law.

2. If it is necessary to carry out operational-search measures, admissible shall be meetings an officer of the body of inquiry which is carrying out the operational-search activity, with the suspect with the written permission of the inquirer, the investigator or of the court, under whose jurisdiction the criminal case is placed.

Article 96. Notification on Detaining the Suspect

1. The inquirer, the investigator shall be obliged, not later than in twelve hours from the moment of detaining the suspect, to notify one of his close relatives, and if there are no such relatives - the other relations, or shall provide an opportunity for making such notification to the suspect himself.

2. In case of the detention of the suspect who is a serviceman, the command of the military unit shall be informed.

3. If the suspect is a citizen or a subject of another state, the Embassy or the Consulate of this state shall be notified within the term, pointed out in the first part of the present Article.

4. If in the interests of the investigation it is necessary to keep the fact of the detention in secret, the notification with the public prosecutor's consent may be withheld, with the exception of the cases when the suspect is a minor.

Chapter 13. Measures of Restriction

Article 97. Grounds for Selecting a Measure of Restriction

1. The inquirer, the investigator or the court shall have the right, within the scope of powers granted to them, to select towards the accused one of the measures of restriction envisaged by the present Code, if there are sufficient grounds to believe that the accused, suspected:

1) will flee from the inquiry, from the preliminary investigation or from the court;

2) may continue the criminal activity;

3) may threaten the witness or other participants in the criminal court proceedings, or destroy the evidence, or interfere with the proceedings on the criminal case in any other way.

2. A measure of restriction may also be selected to ensure the execution of the sentence.

Article 98. Measures of Restriction

Seen as the measures of restriction (restraint) shall be:

1) recognizance not to leave;
2) personal guarantee;
3) surveillance by the command of the military unit;
4) keeping an eye on a minor accused;
5) bail;
6) home arrest;
7) taking into custody.

Article 99. The Circumstances Taken into Account when a Measure of Restraint Is Selected

When the issue is being considered as to the need for selecting a measure of restraint in respect of a person suspected or accused of having committed a crime and determining the type thereof when the grounds envisaged by Article 97 of the present Code exist account shall be in particular taken of the degree of gravity of the crime, information on the suspect's or accused's personality, his/her age, condition of health, marital status, occupation and other circumstances.

Article 100. Selecting a Measure of Restriction Towards the Suspect

1. In the exceptional cases, if there exist the grounds mentioned in Article 97 of the present Code, and taking into account the circumstances pointed out in Article 99 of the present Code, a measure of restriction may be taken towards the suspect. The charge shall be brought against the suspect no later than ten days as from the moment of application of the measure of restriction, and if the suspect was first detained and then taken into custody - within the same term as from the moment of detention. If the charge is not brought within this term, the measure of restriction shall be immediately cancelled.

2. Accusation of having committed at least one of the crimes envisaged by Articles 205, 205.1, 206, 208, 209, 277, 278, 279, 281 and 360 of the Criminal Code of the Russian Federation shall be presented to the suspect for which a measure of restraint has been chosen, within 30 days after the imposition of the measure of restraint or if the suspect has been detained and then put in custody, within the same term after the time when he/she was detained. If no charge has been made within this term, the measure of restraint shall be immediately lifted.

Article 101. Resolution and Ruling on the Selection of a Measure of Restriction

1. On the selection of a measure of restriction the inquirer, the investigator or the judge shall pass a resolution, and the court - a ruling,

containing an indication of the crime of which the person is either suspected or accused, and the grounds for selecting this measure of restriction.

2. A copy of the resolution or of the ruling shall be handed over to the person, with respect to whom it has been passed, as well as to his counsel for the defence or to his legal representative upon their request.

3. Simultaneously, to the person, towards whom a measure of restraint is selected, shall be explained the procedure for filing an appeal against the selection of the measure of restriction, established by Articles 123-127 of the present Code.

Article 102. Recognizance Not to Leave

The recognizance not to leave and to behave in the proper way consists in assuming in writing an obligation of the suspect or of the accused:

1) not to leave the place of his permanent or temporary residence without the permission of the inquirer, of the investigator or of the court;

2) to come at the appointed time on the summons of the inquirer, of the investigator and to the court;

3) not to interfere with the proceedings on the criminal case in any other way.

Article 103. Personal Guarantee

1. A personal guarantee consists in a written reference of a person worthy of confidence that he guarantees the fulfillment of the obligations, envisaged by Items 2) and 3) of Article 102 of the present Code, by the suspect or by the accused.

2. Selection of the personal guarantee as a measure of restraint shall be admissible upon the written application from one or from several sureties with the consent of the person, with respect to whom the guarantee is given.

3. The guarantor shall be explained the substance of the suspicion or of the accusation, as well as the liabilities and the responsibility of the surety, involved in the fulfillment of the personal guarantee.

4. If the surety fails to fulfil his liabilities, a monetary punishment may be levied upon him in an amount of up to a hundred minimum sizes of the remuneration of labour, in accordance with the procedure established by Article 118 of the present Code.

Article 104. Surveillance by the Command of a Military Unit

1. Surveillance by the command of a military unit over the suspect or the accused, who is a serviceman or a civilian undergoing periodical military training, shall amount to taking measures, stipulated by the Regulations of the Armed Forces of the Russian Federation, in order to

guarantee the fulfillment by this person of the liabilities stipulated by Items 2 and 3 of Article 102 of the present Code.

2. Selection of the surveillance by the command of a military unit as a measure of restriction shall be admissible only with the consent of the suspect or the accused.

3. A resolution on the selection of the measure of restriction, stipulated by the first part of this Article, shall be forwarded to the command of the military unit, in which shall be explained the substance of the suspicion or the accusation and its liabilities involved in the execution of the given measure of restriction.

4. If the suspect or the accused commits actions, for the prevention of which the given measure of restriction was selected, the command of the military unit shall immediately report this to the body which has selected the given measure of restriction.

Article 105. Supervision of Minor Suspect or Accused

1. Supervision of minor suspect or accused consists in guaranteeing his proper behavior, stipulated by Article 102 of the present Code, by his parents, guardians, trustees or by the other persons, worthy of confidence, as well as by the official persons of the specialized children's institution where he is maintained; these persons shall give a written obligation to this effect.

2. If the given measure of restriction is selected, the inquirer, the investigator or the court shall explain to the persons, pointed out in the first part of this Article, the substance of the suspicion or the accusation, as well as their responsibility, involved in the liabilities of supervision.

3. If the persons to whom a minor suspect or accused was entrusted for supervision, fails to fulfil the assumed liability, towards them may be applied measures of punishment, stipulated by the fourth part of Article 103 of the present Code,

Article 106. Bail

1. Bail shall consist of an entry by the suspect or the accused, or by another natural or legal person onto the deposit account of the body which has selected the given measure of restriction, of the securities or valuables in order to guarantee the appearance of the suspect or the accused before the investigator or the inquirer, or before the court, and to prevent him from committing new offences. The kind and the size of the bail shall be determined by the body or by the person, which (who) has selected the given form of restriction, with an account for the character of the committed crime, for the data on the personality of the suspect or the accused, and for the property position of the bail giver.

2. The bail as a measure of restriction shall be selected in respect of the suspect or accused on the basis of a court decision in the procedure established by Article 108 of this Code. The bail may be selected at any

stage of criminal court proceedings. If giving a bail is applied instead of the earlier selected measures of restriction in the form of taking into custody or of house arrest, the suspect or the accused shall stay in custody or under house arrest until the bail fixed by the court which has selected this measure of restriction is entered onto the deposit account of the court. The report on the acceptance of the bail shall be drawn up, a copy of which shall be handed in to the bail giver.

3. If the bail is entered into by the person who is not the suspect or the accused, to him shall be explained the substance of the suspicion or the accusation, in connection with which the given measure of restriction is selected, as well as the liabilities involved with it and the consequences of the failure to fulfil them or of violating them.

4. If the suspect or the accused fail to fulfil or violate the liabilities, connected with the bail entered for him, the bail shall be turned into the revenue of the state in accordance with the court decision to be passed in conformity with Article 118 of the present Code.

5. In all other cases, the court shall resolve the question about returning the bail to the bail giver when passing the sentence, as well as the ruling or the resolution on the termination of the criminal case. If the criminal case is terminated by the investigator or the inquirer, the bail shall be returned to the bail giver, which shall be pointed out in the resolution on the termination of the criminal case.

Article 107. Home Arrest

1. The home arrest shall consist of restrictions imposed upon the freedom of movement of the suspect or of the accused, as well as in prohibition:

1) to communicate with certain persons;

2) to receive and to send the correspondence;

3) to conduct talks with the use of any means of communication.

2. The home arrest as a measure of restriction shall be used for a suspect or the accused by a court decision, if there exist grounds, in the order established by Article 108 of the present Code, with an account for his age, state of health, family status and other circumstances.

3. In the resolution or the ruling of the court on the selection of the home arrest as a measure of restraint shall be pointed out the concrete restrictions, to which the suspect or the accused is subjected; the body or the official person, to which (to whom) is entrusted the supervision over the observation of the administered restrictions, shall also be named.

Article 108. Taking into Custody

1. Taking into custody as a measure of restriction shall be applied through a court decision towards the suspect or the accused of committing crimes for which the criminal court envisages the punishment in the form of the deprivation of freedom for a term of over two years, if it is impossible to

apply a different, milder measure of restriction. For choosing a measure of restraint in the form of detention, the concrete circumstances shall be indicated in the judge's ruling which served as the grounds for the judge to adopt such a decision. In the exceptional cases this measure of restriction may be selected with respect to the suspect or the accused of committing a crime, the punishment for which is envisaged in the form of the deprivation of freedom for a term of up to two years, if there exists one of the following circumstances:

1) the suspect or the accused has no permanent place of residence on the territory of the Russian Federation;

2) his person is not identified;

3) he has violated the earlier selected measure of restriction;

4) he has fled from the bodies of the preliminary investigation or from the court.

2. Taking into custody as a measure of restriction may be applied towards a minor suspect or accused, if he is suspected or accused of committing a grave or an especially grave crime. In the exceptional cases, this measure of restriction may be applied with respect to a minor who is suspected or accused of committing an ordinary crime.

3. If it is necessary to select taking into custody as a measure of restriction, investigator with the consent of the chief of an investigatory agency, as well as the inquirer with the consent of the prosecutor, address the court with the corresponding petition. In the resolution on filing the petition shall be described the motives and the grounds, by force of which the need has arisen for taking the suspect or the accused into custody, while selecting a different measure of restriction is impossible. To the resolution shall be enclosed the materials, confirming the substantiation of the petition. If the petition is filed with respect to the suspect detained in the order established by Articles 91 and 92 of the present Code, the resolution and the said documents shall be submitted to the judge not later than eight hours before an expiry of the term of detention.

4. The resolution on filing a petition for the selection of putting into custody as a measure of restraint shall be considered on his own by the judge of the district court or of the military court of the corresponding level, with the participation of the suspect or of the accused, of the public prosecutor and of the counsel for the defence, if such is taking part in the criminal case, at the place of conducting the preliminary investigation or at the place of detention of the suspect, in the course of eight hours from the moment of arrival of the materials at the court. The suspect, detained in accordance with the procedure established by Articles 91 and 92 of the present Code, shall be brought to the court session. The right to take part in the court session shall also be enjoyed by the legal representative of a minor suspect or accused, by the investigator and by the inquirer. The failure of the parties, timely notified about the hour of the court session, to arrive without serious reasons shall not be seen as an obstacle to

considering the petition, with the exception of the failure to attend on the part of the accused.

5. The adoption of the court's pre-trial restraining order in the form of detention without the accused's absence is permitted only in case when an international search for the accused is announced.

6. At the start of the session, the judge shall announce what petition is subject to consideration and shall explain their rights and liabilities to the persons who have come to the court session. Then the public prosecutor or, on his orders, the person who has filed the petition shall explain the ground for it, after which the other persons, attending at the court session, shall be heard out.

7. Having considered the petition, th judge shall pass one of the following resolutions:

1) on the selection with respect to the suspect or the accused of a measure of restriction in the form of taking into custody;

2) on the refusal to satisfy the petition;

3) on extending the term of detention. The extension of the term of detention shall be allowable on condition of recognizing the detention by a court of law as rightful and reasoned for a term of 72 hours at most, as of the time of rendering the court decision on the petition of one of the parties for presenting additional proof of reasonableness or unreasonableness of taking the measure of restraint in the form of placing under detention. In the decision on the extension of the term of detention there shall be indicated the date and time up to which the term of detention is extended.

7.1. For the refusal to satisfy the motion for choosing a measure of restraint for the suspect or accused in the form of detention, the judge shall be authorised at his own initiative, if there are grounds stipulated by Article 97 of this Code and with account of the circumstances mentioned in Article 99 of this Code, to choose for the suspect or accused the measure of restraint in the form of bail or house arrest.

8. The judge's resolution shall be directed to the person who has filed the petition, to the public prosecutor, to the suspect or to the accused, and shall be subject to an immediate execution.

9. Repeatedly filing with the court a petition for taking into custody one and the same person on one and the same criminal case after the judge has passed the resolution on the refusal to select this measure of restriction, shall only be possible if new circumstances arise, which comprise the ground for the need to take the person into custody.

10. If the question about selection towards the defendant of taking into custody as a measure of restriction arises in the court, the decision to this effect shall be adopted by the court upon a party's petition or at its own initiative, on which a ruling or a resolution shall be passed.

11. The judge's resolution on the selection of taking into custody as a measure of restriction or on the refusal in this, may be appealed with the higher-placed court by way of cassation within three days from the day of

passing such. The court of the cassation instance shall take the decision on the complaint or on the presentation not later than three days from the day of its receipt. The cassational court award on the reversal of the judge's ruling on the measure of restraint in the form of detention shall be immediately executed. The cassational court award may be appealed in the exercise of supervisory powers established by Chapter 48 of this Code.

12. The person conducting the proceedings on the criminal case shall be obliged to immediately notify someone of the close relatives of the suspect or of the accused, and if he has no such relatives - the other relations, and if it is a serviceman who is taken into custody - also the command of the military unit, about the place of his being held in custody or about the change of the place of holding him in custody.

13. It is prohibited to endow the powers specified in the present article on one and the same judge on a permanent basis. These powers shall be distributed among the judges of a specific court in compliance with the principle of criminal cases distribution.

14. The requirements of Article 95 of this Code shall extend to the accused kept in custody.

Article 109. Time Terms for Holding in Custody

1. Holding in custody during the inquisition of crimes shall not exceed two months.

2. If it is impossible to complete the preliminary investigation within a term of up to two months and if there are no grounds for changing or for cancelling the measure of restriction, this term may be extended by the judge of the district court or of the military court of the corresponding level in accordance with the procedure, established by the third part of Article 108 of the present Code, for a term of up to six months. Further extension of the term may be effected with respect to the persons, accused of committing grave and especially grave crimes, only if the criminal case is of a particular complexity and if there are grounds for selecting this measure of restriction, by the judge of the same court upon application from the investigator, filed with the consent of the head of the appropriate investigatory agency of a constituent entity of the Russian Federation, another equated therewith chief of the investigatory body or on application of an inquirer in the cases provided for by Part Five of Article 223 of this Code with the consent of the prosecutor of a constituent entity of the Russian Federation or a military judge equated with him/her, for up to twelve months.

3. The term of holding in custody for over twelve months may be extended only in exceptional cases, with respect to the persons accused of committing especially grave crimes, by the judge of the court specified in Part 3 of Article 31 of the present Code, or of the military court of the corresponding level at an application from the investigator, filed with the consent according to investigate jurisdiction by the Chairman of the

Investigative Committee under the Prosecutor's Office of the Russian Federation or of the chief of the investigatory agency of the appropriate federal executive body (under the appropriate federal executive body) for up to 18 months.

4. A further extension of the said term is inadmissible. The accused, who is held in custody, shall be subject to an immediate release, with the exception of the cases mentioned in Item 1 of the eighth part of this Article.

5. The materials of the criminal case, whose inquisition is completed, shall be presented to the accused, held in custody, and to his counsel for the defence not later than thirty days before the end of the ultimate term for holding in custody, established by the second and the third parts of this Article.

6. If after the end of the preliminary investigation the materials of the criminal case were presented to the accused and to his counsel for the defence later than thirty days prior to the end of the ultimate term for holding in custody, the accused shall be subject to an immediate release after this term expires. In this case, the accused and his counsel for the defence shall retain the right to get acquainted with the materials of the criminal case.

7. If after the end of the preliminary investigation the time terms for the presentation of the materials of the given criminal case to the accused and to his counsel for the defence, stipulated by the fifth part of this Article, were observed, but 30 days fixed for their getting acquainted with the materials of the criminal case have proved insufficient, the investigator shall have the right, with the consent of of the chief of the investigatory agency of the constituent entity of the Russian Federation or the chief of other investigatory agency equated to him/her, to file an application for an extension of this term with the court specified in Part 3 of Article 31 of the present Code, or with the military court of the corresponding level, not later than seven days prior to an expiry of the ultimate term for holding in custody. If several accused persons kept in custody participate in the proceedings in the criminal case, and if even one of them needs more than 30 days to get acquainted with the materials of the criminal case, then the investigator may file said application as regards very accused or those accused who have got acquainted with the materials of the criminal case, if there is still a need to keep him or them in custody and there are no grounds for applying a different measure of restraint.

8. A petition for extending the term of holding in custody has to be submitted to the court at least seven days before the expiry thereof. The judge shall take one of the following decisions in the manner specified in Parts 4, 8 and 11 of Article 108 of the present Code not later than in five days from the day of receiving the application:

1) on an extension of the term of holding in custody untill the moment when the accused and his counsel for the defence complete getting acquainted with the materials of the criminal case and when the public

prosecutor directs the criminal case to the court, with the exception of the case stipulated by the sixth part of this Article;

2) on the refusal in the satisfaction of the investigator's application and in the release of the accused from custody.

9. The term of holding in custody in the period of the preliminary investigation shall be counted as from the moment of taking the suspect or the accused into custody and till the public prosecutor directs the criminal case to the court.

10. Into the term of holding in custody shall be included the time:

1) over which the person was held in custody as the suspect;

2) of the home arrest;

3) of being forcibly held at a medical treatment or a psychiatric stationary hospital by the decision of the court;

4) in the course of which the person was held in custody on the territory of a foreign state under an inquiry on rendering legal assistance or on his extradition to the Russian Federation in conformity with Article 460 of the present Code.

11. On the expiry of the maximum term of detention in the instances, provided for by Item 4 of Part Ten of this Article, and when it is necessary to hold a preliminary investigation, the court shall be entitled to extend the term of holding a person in custody in the procedure established by this Article but for six months at the most.

12. If the suspect or the accused is repeatedly taken into custody on one and the same criminal case, as well as on a criminal case combined with it or severed from it, the time term of holding in custody shall be computed with an account for the time which the suspect or the accused has spent in custody earlier.

13. It shall not be allowable to consider by a court the petition for extension of the term of the accused person's holding in custody in the absence thereof, save for the instances of the accused person's passing a stationary forensic psychiatric examination and for other circumstances making it impossible to convey him/her to the court, and it has to be proved by appropriate documents. With this, the participation of the defence counsel in court session shall be obligatory.

14. In the instance provided for by Part Thirteen of this Article, a judge shall render the decision on considering the issue of extending the term of holding in custody in the accused person's absence with an indication of the reasons for which the accused person cannot be present.

Article 110. Cancellation or Change of a Measure of Restriction

1. The measure of restriction shall be cancelled when it is no longer necessary, or it shall be changed to a stricter or a milder measure, when the grounds for selecting a measure of restriction, stipulated by Articles 97 and 99 of the present Code, are changed.

2. The cancellation or change of a measure of restriction shall be effected by the resolution of the inquirer, the investigator or the judge, or by the ruling of the court.

3. The measure of restriction selected in the course of pre-trial proceedings by the investigator with the consent of the chief of an investigatory agency or by the inquirer with the prosecutor's consent may be only cancelled or changed with the consent of these persons.

4. *Abolished*

Chapter 14. Other Measures of the Procedural Coercion

Article 111. Grounds for Application of Other Measures of Procedural Coercion

1. For the purposes of ensuring order for the criminal court proceedings, established by the present Code, and of proper execution of the sentence, the inquirer, the investigator or the court shall have the right to apply towards the suspect or the accused the following measures of the procedural coercion:

1) an obligation to appear;
2) a forcible bringing to court;
3) a temporary dismissal from his post;
4) putting the property under arrest.

2. In the cases, stipulated by the present Code, the inquirer, the investigator or the court shall have the right to apply towards the victim, the witness, the civil claimant, civil defendant, expert, specialist, interpreter and/or an attesting witness the following measures of the procedural coercion:

1) an obligation to appear;
2) a forcible bringing the court;
3) a monetary penalty.

Article 112. Obligation to Appear

1. If necessary, from the suspect and the accused, as well as from the victim or the witness, may be taken an obligation to appear.

2. The obligation to appear shall consist of a written commitment of the person, indicated in the first part of the present Article, to timely appear upon the summons of the inquirer, the investigator, or to the court, and in case of the change of the place of residence to immediately inform about this. To the person shall be explained the consequences of his default of the commitment, about which the corresponding note shall be made in it.

Article 113. Forcible Bringing to Court

1. If they fail to appear at the summons without serious reasons, the suspect and the accused, as well as the victim and the witness, may be brought forcibly.

2. A forcible bringing shall consist in taking the person under coercion to the inquirer, the investigator or to the court.

3. If there exist some reasons, interfering with their appearance in response to the summons at the fixed time, the persons mentioned in the first part of this Article, shall immediately inform to this effect the body, by which they have been summoned.

4. The resolution of the inquirer, the investigator or of the judge, or the ruling of the court on the forcible bringing shall be announced before its execution to the person who is going to be subjected to a forcible bringing, which shall be certified with his signature on the resolution or on the ruling.

5. A forcible bringing cannot be carried out at the night time, save for the instances when the matter brooks no delay.

6. Not subject to a forcible bringing shall be the minor who have not reached fourteen years of age, pregnant women, and sick persons who cannot leave the place of their stay on account of poor health, which shall be certified by a doctor.

7. A forcible bringing shall be effected by the bodies of inquiry under a judgement of the inquirer, the investigator, and also by bailiffs responsible for ensuring the observance of the established courtroom procedure - on the orders of the court.

Article 114. Temporary Dismissal from the Post

1. If it is necessary to dismiss the suspect or accused person for a time from his/her post, the investigator with the consent of the chief of an investigatory agency, as well as the inquirer with the consent of the prosecutor, shall lodge with the court at the place of conducting the preliminary inquisition the corresponding application, with the exception of the case stipulated by the fifth part of this Article.

2. In the course of 48 hours from the moment of arrival of the application, the judge shall pass a resolution on the temporary dismissal of the suspect or the accused from the post, or on the refusal in this.

3. The resolution on temporary dismissal of the suspect or the accused from the post shall be directed to the place of his work.

4. The temporary dismissal of the suspect or the accused from the post shall be cancelled on the ground of the resolution of the inquirer or of the investigator, when the application of this measure is no longer necessary.

5. If the person taken to the bar as the accused is a high-placed official of the subject of the Russian Federation (the head of the higher executive body of the state power of the subject of the Russian Federation) and if he charged with committing a grave or an especially grave crime, the Procurator-General of the Russian Federation shall direct a presentation to the President of the Russian Federation for a temporary dismissal of the said person from his post. The President of the Russian Federation shall be obliged to take the decision on a temporary dismissal of the said person

from his post or on the refusal in this within 48 hours from the moment of arrival of this presentation.

6. The suspect or the defendant, temporarily dismissed from his post, shall have the right to a monthly allowance to be paid out to him in conformity with Item 8 of the second part of Article 131 of the present Code.

Article 115. Putting the Property under Arrest

1. In order to provide guarantees for the enforcement of the judgement in the part of civil action for the recovery of other property or of the possible confiscation of the property mentioned in Part 1 of Article 104.1 of the Criminal Code of the Russian Federation, the investigator with the consent of the chief of an investigatory agency, as well as the inquirer with the consent of the prosecutor shall submit an application with the court for the arrest of the property owned by the suspect, the accused or by the persons bearing material responsibility for their actions. The court shall consider the application in the procedure established by Article 165 of this Code. For decision making on the arrest of property as security for its possible confiscation, the court shall point to concrete, actual circumstances which served as the grounds for such a decision to be adopted by it.

2. Putting the property under arrest shall amount to the prohibition, addressed to the owner or to the possessor of the property, to dispose and in the necessary cases - to make use of it, and also to the seizure of the property and handing it over into storage.

3. Put under arrest may be the property which is held by the other persons, if there are sufficient grounds to suppose that it was obtained as a result of the criminal actions of the suspect or of the accused or has been used or intended for being used as an instrument of crime or for financing terrorism, an organised group, illegal armed formation or criminal community (criminal organisation).

4. There may not be sequestrated the property against which execution may not be levied in compliance with the Civil Procedure Code of the Russian Federation.

5. Property shall be put under arrest in the presence of attesting witnesses. In putting the property under arrest may take part a specialist.

6. The property, which is put under arrest, may be withdrawn or handed over at the discretion of the person who has effected the arrest, into storage to the owner or to the possessor of this property, or to another person, who shall be warned about their responsibility for the security of this property, on which the corresponding entry shall be made in the protocol.

7. If under arrest are put the monetary funds and the other valuables, belonging to the suspect or to the accused, which are kept on an account,

in a deposit or in storage in the banks and in the other credit institutions, transactions on the given account shall be fully or partially stopped within the limits of the monetary funds and of the other valuables, which are put under arrest. The heads of the banks and of the other credit institutions shall be obliged to give information on these monetary funds and other valuables in response to an inquiry from the court, as well as from the investigator or the inquirer on the grounds of the judicial decision.

8. When the property is put under arrest, a protocol shall be compiled in conformity with the demands of Articles 166 and 167 of the present Code. If there is no property subject to an arrest, this shall be stated in the protocol. A copy of the minutes shall be handed over to the person whose property is seized.

9. The arrest of the property shall be cancelled on the ground of the resolution or the ruling of the person or of the body, under whose jurisdiction the proceedings on the criminal case are placed, when the application of this measure is no longer necessary.

Article 116. Specifics in the proceedings for Putting under Arrest Securities

1. To guarantee the probable the confiscation of the property mentioned in Part 1 of Article 104.1 of the Criminal Code of the Russian Federation or for the purpose of supporting of the recompense of damage caused by the crime, the securities or their certificates shall be put under arrest at the location of the property or at the place of recording the rights of the owner of the securities, while observing the demands of Article 115 of the present Code.

2. Not subject to arrest shall be the bearer securities at the disposal of a bona fide acquirer.

3. In the protocol on putting the securities under arrest shall be pointed out:

1) the total number of the securities, put under arrest, their kind, category (type) or series;

2) the nominal cost;

3) the state registration number;

4) information on the emitter or on the persons, who have issued the securities or who have recorded the rights of the owner of the securities, as well as on the place where the recording is performed;

5) information on the document, certifying the right of ownership to the securities put under arrest.

4. The order for the performance of actions, involved in the redemption of the arrested securities, in the payment out of incomes on them, in their conversion, exchange or in the performance of other actions with them shall be established by the federal law.

Article 117. Monetary Penalty

If the participants in the criminal court proceedings fail to fulfil the procedural liabilities, stipulated by the present Code, and also in the case of their disorderly conduct at the court session, a monetary penalty may be imposed upon them in an amount of up to twenty-five minimum sizes of the remuneration of labour in accordance with the procedure, established by Article 118 of the present Code.

Article 118. Procedure for Imposing a Monetary Penalty and for Handing Over the Bail into the Revenue of the State

1. The monetary penalty shall be imposed by the court.

2. If the corresponding offence is committed in the course of a court session, the penalty shall be imposed by the court at the court session where this offence was established, about which shall be passed a court ruling or resolution.

3. If the corresponding offence is committed in the course of the pre-trial proceedings, the inquirer, the investigator shall compile a protocol on the offence, which he shall forward to the district court and which is subject to consideration by the judge within five days from the moment of its arrival at the court. To the court session shall be summoned the person, upon whom the monetary penalty may be imposed, and the person who has compiled the protocol. The offender's failure to appear without a serious reason shall not be seen as an obstacle for the consideration of the protocol.

4. On the results of the consideration of the protocol, the judge shall pass a resolution on imposing a monetary penalty or on the refusal to impose such. A copy of the resolution shall be forwarded to the person who has compiled the protocol, and to the person, upon whom the monetary penalty is imposed.

5. When imposing a monetary penalty, the court has the right to put off its execution or to grant an instalment order of such for a term of up to three months.

6. The question about turning the bail into the revenue of the state in the cases, stipulated by the fourth part of Article 106 of the present Code, shall be resolved in the order established by the third and the fourth parts of this Article.

Section V. Petitions and Complaints

Chapter 15. Petitions

Article 119. Persons Enjoying the Right to File a Petition

1. The suspect or the accused, his counsel for the defence, the victim, his legal representative and his representative, the private prosecutor, the expert, as well as the civil claimant, the civil defendant and their representatives, shall have the right to file a petition for the

performance of the procedural actions or for passing the procedural decisions, aimed at establishing the circumstances of importance for the criminal case, for guaranteeing the rights and lawful interests of the person who has lodged the petition or of the person he represents, respectively.

2. The petition shall be lodged with the inquirer, with the investigator or with the court.

3. The right to lodge a petition during the judicial proceedings is also enjoyed by the public prosecutor.

Article 120. Filing a Petition

1. A petition may be filed at any moment of the proceedings in a criminal case. A written petition shall be enclosed to the criminal case, and an oral one shall be entered into the protocol of the investigative action or court session.

2. Rejection of the petition shall not deprive the applicant of the right to file a petition again.

Article 121. Time Terms for Examining a Petition

A petition shall be subject to an examination and the resolution immediately after it is filed. If immediate decision-making on the petition, filed in the course of the preliminary inquisition, is impossible, it shall be resolved not later than three days from the day of being filed.

Article 122. Resolution of the Petition

On the satisfaction of the petition or on the complete or partial refusal to satisfy it, the inquirer, the investigator, the judge shall pass a resolution, and the court - a ruling, which shall be brought to the knowledge of the person, who has filed this petition. The decision on a petition may be appealed against in accordance with the procedure established by Chapter 16 of the present Code.

Chapter 16. Filing Appeals Against the Actions and Decisions of the Court and of the Officials, Conducting the Criminal Court Proceedings

Article 123. The Right to Appeal

The actions (the lack of action) and the decisions of the body of inquiry, of the inquirer, the investigator, the head of an investigatory body, the public prosecutor and of the court may be appealed against in the procedure established by the present Code, by the participants in the criminal court proceedings, as well as by the other persons in that part, in which the performed procedural actions and the adopted procedural decisions infringe upon their interests.

Article 124. Procedure for the Consideration of a Complaint by the Public Prosecutor, by the Chief of an Investigatory Agency

1. The public prosecutor, the chief of an investigatory agency shall consider the complaint in the course of three days from the day of its receipt. In the exceptional cases, when it is necessary to demand that additional materials shall be supplied or other measures taken for checking it, it shall be admissible to consider the complaint within a term of up to ten days, about which the applicant shall be duly informed.

2. On the results of the consideration of the complaint, the prosecutor, the chief of an investigatory agency shall pass a resolution on the complete or on a partial satisfaction of the complaint, or on the refusal to satisfy it.

3. The applicant shall be immediately notified about the decision, taken on the complaint, and about the further procedure for filing appeals against it.

4. In the cases provided for by this Code an inquirer and an investigator have the right to appeal against actions (omission to act) and decisions of a prosecutor or the chief of an investigatory agency accordingly to the superior prosecutor or the chief of a superior investigatory agency.

Article 125. Court Procedure for Considering Complaints

1. The decisions of the inquirer and the investigator on the refusal to institute a criminal case or to terminate a criminal case, as well as other decisions and actions (omission to act) of an inquirer, investigator and prosecutor which can inflict damage upon the constitutional rights and freedoms of the participants in criminal court proceedings or can interfere with the citizens' access to administration of justice, may be appealed against with the district court at the place of conducting the preliminary investigation.

2. The complaint may be filed with the court by the applicant, by his counsel for the defence, by his legal representative or by his representative, either directly or through the inquirer, the investigator, the head of an investigatory body or the public prosecutor.

3. The judge shall check the legality and substantiation of the actions (the lack of action) and decisions of the inquirer, the investigator, the head of an investigatory body and the public prosecutor, not later than five days after the day of arrival of the complaint, at a court session with the participation of the applicant and of his counsel for the defence, of his legal representative or his representative, if they are taking part in the criminal case, as well as of the other persons, whose interests are directly infringed upon by the action (lack of action) or by the decision, against which the appeal is filed, as well as with the participation of the public prosecutor. The failure of the persons, duly informed about the time of considering the complaint and not insisting on its consideration with their participation, shall not be seen as an obstacle to the consideration of the complaint by the

court. Complaints to be considered by the court shall be considered in a public hearing unless stipulated otherwise by the second part of Article 241 of this Code.

4. At the start of the court session, the judge shall announce what complaint is subject to consideration, shall introduce himself to the persons, who have come to the court session, and shall explain their rights and liabilities. Then the applicant, if he is taking part in the court session, shall expose the ground for the complaint, after which the other persons in attendance at the court session shall be heard out. The applicant shall be granted the right to issue with a retort.

5. On the results of considering the complaint, the judge shall pass one of the following decisions:

1) on recognizing the action (lack of action) or the decision of the corresponding official to be illegal or unsubstantiated, and on his liability to eliminate the committed violation;

2) on leaving the complaint without satisfaction.

6. Copies of the judge's resolution shall be directed to the applicant, to the public prosecutor and to the head of an investigatory body.

7. The filing of a complaint shall not suspend the performance of the action and the decision, appealed against, unless the body of inquiry, the inquirer, the investigator, the head of an investigatory body, the public prosecutor or the judge finds it necessary.

Article 126. Procedure for Lodging a Complaint of the Suspect or the Accused, Held in Custody

The administration of the place of holding in custody shall immediately direct to the public prosecutor or to the court the complaints of the suspect or of the accused, held in custody, which are addressed to them.

Article 127. Complaint and Presentation Against the Sentence, Ruling or Resolution of the Court

1. The complaints and presentations against the sentences, rulings and the resolutions of the courts of the first and appeals instances, as well as the complaints and the presentations against the court decisions, taken in the course of the pre-trial proceedings on the criminal case, shall be filed in accordance with the order, established by Chapters 43 - 45 of the present Code.

2. The complaints and the presentations against the court decisions, which have come into the legal force, shall be filed in the order established by Chapters 48 and 49 of the present Code.

Section VI. Other Provisions

Chapter 17. Procedural Terms. Procedural Outlays

Article 128. Computation of the Term

1. The time terms stipulated by the present Code, shall be counted in hours, days and months. When calculating the terms in months, time and day, from which the course of the time term begins, shall not be taken into account, with the exception of the cases stipulated by the present Code. When computing the terms of the detention in custody, of the home arrest and of being kept at a medical treatment or psychiatric stationary hospital, into them shall also be included the non-working time.

2. The term, calculated in days, shall expire midnight of the last day. The term, counted in months, shall expire on the corresponding day of the last month, and if this month does not have the corresponding day, the term shall be seen to end on the last day of this month. If the end of the term falls on a non-working day, seen as the last day of the term shall be the first working day next to it, with the exception of the cases when are computed the terms of holding in detention, under the home arrest or at a medical treatment or psychiatric stationary hospital.

3. In the case of detention, the term shall be calculated as from the moment of the actual detention.

Article 129. Observation and Extension of the Term

1. The term shall not be seen as missed, if the complaint, petition or another document is taken to the post office, handed over to the person authorized to accept these, before an expiry of the term, and as concerns the persons held in custody or at a medical treatment or a psychiatric stationary hospital, if the complaint or another document is handed over before an expiry of the term to the administration of the place of the preliminary detention or of the medical treatment or the psychiatric stationary hospital.

2. The term may be extended only in the cases and in the order, established by the present Code.

Article 130. Restoration of a Missed Term

1. The term, missed because of serious reasons, shall be restored on the grounds of a resolution of the inquirer, the investigator or the judge, under whose jurisdiction the given criminal case is placed. Refusal in the restoration of the term may be appealed against in the procedure established by the present Code.

2. Upon the petition of an interested person, the execution of the decision, appealed against with missing the fixed term, may be suspended until the question about the restoration of the missed term is resolved.

Article 131. Procedural Outlays

1. Seen as the procedural outlays shall be spending connected with the proceedings on the criminal case, which shall be recompensed from the funds of the federal budget or from the means of the participants in the criminal court proceedings.

2. To the procedural outlays shall be referred:

1) the sums, paid out to the victim, the witness and their legal representatives, to the expert, to the specialist and to the interpreter, as well as to the attesting witnesses, to cover their expenses involved in their coming to the place of conducting the procedural actions and in their stay there;

2) the sums, paid out to the working victim, witness, their legal representatives and the attesting witnesses in compensation for the non-received wages over the time they have spent in connection with the summons to the body of inquiry, to the investigator, to the public prosecutor or to the court;

3) the sums, paid out to the victim, the witness, their legal representatives and the attesting witnesses, who have no permanent wages, for distracting them from their usual occupations;

4) the remuneration, paid out to the expert, interpreter or specialist for the discharge of their duties in the course of the criminal court proceedings, with the exception of the cases, when these duties were discharged by them under official orders;

5) the sums, paid out to the lawyer for his rendering legal advice, if the lawyer is taking part in the criminal court proceedings by appointment;

6) the sums, expended for the storage and sending over of the demonstrative proof;

7) the sums, spent for carrying out the forensic medical expertise at the expert institutions;

8) the monthly state allowance in the amount of five minimum sizes of the remuneration of labour, paid out to the accused, temporarily dismissed from the post in accordance with the procedure established by the first part of Article 114 of the present Code;

9) the other outlays, made in the course of the proceedings on the criminal case and envisaged by the present Code.

3. The sums, pointed out in the second part of the present Article, shall be paid out in accordance with the resolution of the inquirer, the investigator, the public prosecutor or of the judge, or under a court ruling.

4. The procedure and rates for the reimbursement of procedural expenses, except for the rates for the procedural expenses stipulated by Points 2 and 8 of Item 2 of this Article, shall be established by the Government of the Russian Federation.

Article 132. Exaction of Procedural Outlays

1. Procedural outlays shall be exacted from the convicts or shall be recompensed from the funds of the federal budget.

2. The court shall have the right to exact from the convict procedural outlays, with the exception of the sums, paid out to the interpreter and to the counsel for the defence in the cases, pointed out in the fourth and the fifth parts of this Article. The procedural outlays may also be exacted from the convict, relieved of the punishment.

3. The procedural outlays, involved in an interpreter's participation in the criminal case, shall be recompensed from the funds of the federal budget. If the interpreter has discharged his duties on official orders, his labour shall be remunerated by the state organization where he works.

4. If the suspect or the accused has voiced his refusal to counsel for the defence, but the refusal was not satisfied and a counsel for the defence has taken part in the criminal case on an appointment, the outlays on remunerating the lawyer's labour shall be recompensed from the funds of the federal budget.

5. In case of the person's rehabilitation, the procedural outlays shall be recompensed from the funds of the federal budget.

6. The procedural outlays shall be recompensed from the funds of the federal budget in case of the material insolvency of the person, from whom they should have been exacted. The court shall have the right to relieve the convict, fully or in part, of the payment for procedural outlays, if this may have an essential impact on the material position of the persons who are the convict's dependents.

7. While recognizing as guilty several defendants in the criminal case, the court shall determine in what amount the procedural outlays shall be exacted from every one of them. When doing this, the court shall take into account the character of the guilt, the degree of responsibility for the crime and the convict's property position.

8. On the criminal cases on crimes, committed by the under age persons, the court may impose the liability for the compensation of the procedural outlays upon the legal representatives of the under age persons.

9. If the defendant is acquitted on the criminal case of the private prosecution, the court shall have the right to exact procedural outlays, fully or in part, from the person, on whose complaint the proceedings on the given criminal case were instituted. If the criminal case is terminated because of the parties' reconciliation, the procedural outlays shall be exacted either from one party or from both parties.

Chapter 18. Rehabilitation

Article 133. Grounds for the Appearance of the Right to Rehabilitation

1. The right to the rehabilitation shall incorporate the right to the recompense of the property damage, to the elimination of consequences of the inflicted moral harm and to the reinstatement in the labour, pension, housing and other rights. The damage caused to the citizen as a result of

the criminal prosecution, shall be recompensed by the state in full volume, regardless of the guilt of the body of inquiry, of the inquirer, the investigator, the public prosecutor and the court.

2. The right to the rehabilitation, including the right to the recompense of the damage inflicted in connection with the criminal prosecution, shall have:

1) the defendant, in respect of whom the verdict of not guilty is passed;

2) the defendant, the criminal prosecution with respect to whom end in connection with the withdrawal of the charge by the public prosecutor;

3) the suspect or the accused, the criminal prosecution with respect to whom is terminated on the grounds stipulated by Items 1, 2, 5 and 6 of the first part of Article 24 and by Items 1 and 4 - 6 of the first part of Article 27 of the present Code;

4) the convict - in the cases of the full or partial cancellation of the verdict of guilty, passed by the court, which has come into the legal force, and of the termination of the criminal case on the grounds envisaged by Items 1 and 2 of the first part of Article 27 of the present Code;

5) the person, towards whom were applied measures of the medical character - in case of the cancellation of the court's illegal or unsubstantiated resolution on the application of the applied measure.

3. The right to the compensation of the damage in accordance with the procedure laid down by this Chapter, shall also be enjoyed by any person, who has been illegally subjected to measures of the procedural coercion in the course of the proceedings on the criminal case.

4. The rules of this Article shall not be spread to those cases when measures of procedural coercion, applied towards the person have changed, or the adjudged verdict of guilty has been cancelled or modified in view of the issue of an act of amnesty, of an expiry of the term of legal limitation, or of not having reached the age from which criminal liability sets in, or in respect of a minor who, even though has attained the age of criminal liability, could not fully realise the actual nature and social menace of his/her actions (omission) and control these actions at the time of committal of the offence defined by criminal law due to retardation in mental development not relating to a psychological disorder, or of an adoption of the law, eliminating the criminality or the punishability of the act in question.

5. In other cases, the legal matters involved in the recompense of the damage shall be resolved in accordance with civil court proceedings.

Article 134. Recognizing the Right to Rehabilitation

1. The court shall recognize in the sentence, the ruling and the resolution, and the investigator and the inquirer - in the resolution, the right to the rehabilitation of the acquitted person or of the person, the criminal

prosecution of whom is terminated. Simultaneously, to the rehabilitated person shall be forwarded a notice with an explanation of the procedure for the recompense of the damage involved in the criminal prosecution.

2. In the absence of information on the place of residence of the heirs, the close relatives, the relations or the dependents of the deceased rehabilitated person, the notice shall be forwarded to them not later than five days after they have turned to the bodies of inquiry or of the preliminary investigation, or to the court.

Article 135. Compensation for Property Damage

1. The compensation to the rehabilitated person for property damage shall include the recompense of:

1) the wages, the pension, the allowance and the other funds, of which he was deprived as a result of the criminal prosecution;

2) the confiscated property or the property, turned into the revenue of the state on the ground of the sentence or of the court decision;

3) the fines and the procedural outlays, exacted from him in execution of the court sentence;

4) the sums he has paid out for rendering him legal assistance;

5) the other expenditures.

2. In the course of the terms of legal limitation, fixed by the Civil Code of the Russian Federation, as from the day of receipt of a copy of the documents, pointed out in the first part of Article 134 of the present Code, and of the notice on the procedure for the recompense of the damage, the rehabilitated person shall have the right to lodge a claim for the recompense of the property damage with the body, which has passed the sentence and/or which has issued the ruling or the resolution on the termination of the criminal case, on the cancellation or modification of the illegal or the ungrounded decisions. If the criminal case is terminated, or if the sentence is changed by the higher-placed court, the claim for the recompense of the damage shall be directed to the court, which passed the sentence.

3. The claim for the recompense of the property damage may be lodged by the legal representative of the rehabilitated person.

4. Not later than one month from the day of receiving the claim for the recompense of the property damage, the judge, the investigator or the inquirer shall determine its amount and shall pass a resolution on making the payments as compensation for this damage. The said payments shall be effected with an account for the level of the inflation.

5. The claim for the recompense of the property damage shall be resolved by the judge in conformity with the procedure established by Article 399 of the present Code for resolving the issues involved in the execution of the sentence.

6. A copy of the resolution shall be handed in or forwarded to the rehabilitated person, and in case of his death - to the persons named in the second part of Article 134 of the present Code.

Article 136. Recompense of Moral Damage

1. The public prosecutor on behalf of the state shall submit an official apology to the rehabilitated person for the damage inflicted upon him.

2. Claims for the recompense of the caused moral damage in money shall be presented by way of the civil court proceedings.

3. If the information about the detention of the rehabilitated person, about taking him into custody, his temporary dismissal from the post, the application towards him of coercive measures of the medical character, the conviction of the rehabilitated person and about the other illegal actions committed with respect to him were published in the press, or broadcast on the radio or on the television, or spread by the other mass media, at the demand of the rehabilitated person and in case of his death - of his close relatives or relations, or on a written order from the court, from the public prosecutor, the head of an investigatory body, the investigator or the inquirer, the corresponding mass media shall be obliged to make a statement on his rehabilitation within 30 days.

4. At the demand of the rehabilitated person, and in case of his death - of his close relatives or his relations, the court, the public prosecutor or the inquirer shall be obliged, not later than within a term of fourteen days, to send written statements on the adopted decisions, acquitting the citizen, to the place of his work or of his studies, or to his place of residence.

Article 137. Appeal Against the Decision on Making Payments

The resolutions of the judge, the investigator or the inquirer on making the payments and on the return of the property may be appealed against in accordance with the order established by Chapter 16 of the present Code.

Article 138. Reinstatement of the Other Rights of the Rehabilitated Person

1. The reinstatement of the rehabilitated person in his labour, pension, housing and other rights shall be carried out in accordance with the procedure, established by Article 399 of the present Code for resolving the issues involved in the execution of the sentence. If the claim for the recompense of the damage is not satisfied by the court, or if the rehabilitated person does not agree with the adopted court decision, he shall have the right to turn to the court by way of the civil court proceedings.

2. To the rehabilitated persons who were deprived, on the grounds of the court decision, of the special, military and honorary titles and class ranks. as well as of the state awards, the corresponding titles and class ranks shall be reinstated, and the state awards shall be returned.

Article 139. Recompense of the Damage to Legal Entities

The damage, inflicted upon legal entities by the illegal actions (lack of action) and decisions of the court, the public prosecutor, the investigator, the inquirer and of the body of inquiry, shall be compensated by the state in full volume, in accordance with the procedure and within the terms, established by the present Chapter.

Part Two. Pre-Trial Proceedings

Section VII. Institution of a Criminal Case

Chapter 19. Reasons and Grounds for the Institution of a Criminal Case

Article 140. Reasons and Grounds for the Institution of a Criminal Case

1. The following shall serve as the reasons for the institution of a criminal case:

1) an application on a crime:

2) giving oneself up;

3) communication on the committed or the prepared crime, received from other sources.

2. Seen as the ground for the institution of a criminal case shall be the existence of the sufficient data, pointing to the signs of a crime.

Article 141. Report on a Crime

1. A report on a crime may be made either verbal or in writing.

2. A written report on a crime shall be signed by the applicant.

3. A verbal report on a crime shall be entered into the protocol, which shall be signed by the applicant and by the person who has accepted the given report. The protocol shall contain the data on the applicant, as well as on the documents, identifying the person of the applicant.

4. If a verbal communication on the crime is made during the performance of an investigative action or in the course of the judicial proceedings, it shall be entered, respectively, into the protocol of the investigative action or into the protocol of the court session.

5. If the applicant cannot attend in person when the protocol is compiled, his report shall be formalized in accordance with the procedure, established by Article 143 of the present Code.

6. The applicant shall be warned about the criminal liability for a deliberately false denunciation in conformity with Article 306 of the Criminal Code of the Russian Federation, about which a note, certified with the applicant's signature, shall be made in the protocol.

7. An anonymous report on the crime cannot serve as a reason for the institution of a criminal case.

Article 142. Giving Oneself Up

1. Seen as an application on giving oneself up shall be the person's voluntary statement about the crime he has committed.

2. An application for giving himself up may be made both in writing and verbally. A verbal statement shall be accepted and entered into the protocol in accordance with the procedure established by the third part of Article 141 of the present Code.

Article 143. Report on the Exposure of Signs of a Crime

A communication about the committed or prepared crime, received from the sources other than those pointed out in Articles 141 and 142 of the present Code, shall be accepted by the person, who has received the given communication, about which he shall compile a report on the exposure of the signs of a crime.

Article 144. Procedure for Considering the Communication on a Crime

1. The inquirer, the body of inquiry, the investigator shall be obliged to accept and to check up the communication about any committed or prepared crime and, within the scope of the competence established by the present Code, to take the decision on it within a term of not more than three days from the day when said communication came in. When checking a report on a crime, the body of inquiry, inquirer, investigator and prosecutor shall be entitled to demand carrying out documentary and audit inspections and to draw specialists to participation therein.

2. The communication about a crime in the mass media shall be checked up on the public prosecutor's orders by the body of inquiry, as well as the investigator on the instructions of the chief of an investigatory agency. The editorial board and the editor in chief of the corresponding mass medium shall be obliged to hand over, on the demand of the public prosecutor, of the investigator or of the body of inquiry, the documents and materials, confirming the communication on the crime, which are at the disposal of the given mass medium, as well as the data on the person who has supplied the said information, with the exception of the cases when this person has given an assurance that the source of information shall be kept secret.

3. The chief an investigatory agency, the chief of an inquiry agency have the right on the basis of the motion of accordingly the investigator or the inquirer to extend up to 10 days the time period established by Part One of this article and, where it is necessary to conduct a documentary or audit inspection, the chief of an investigatory agency on the basis of the investigator's motion and the prosecutor on the basis of the inquirer's motion have the right to extend this time period up to 30 days.

4. The applicant shall be issued a document about accepting the communication on a crime with the information on the person who has

accepted it and with an indication of the date and the hour of its acceptance.

5. Refusal to accept the communication on a crime may be appealed against with the public prosecutor or with the court in the procedure established by Articles 124 and 125 of the present Code.

6. An application of a victim or his legal representative on criminal cases of private accusation submitted to a court shall be considered by a judge in accordance with Article 318 of this Code. In the cases stipulated by Item four of Article 147 of this Code, and the communication about the crime shall be verified in accordance with the rules established by this Article.

Article 145. Decisions Taken on the Results of Considering the Communication on a Crime

1. On the results of considering the communication on a crime, the body of inquiry, the inquirer, the investigator shall take one of the following decisions:

1) on the institution of a criminal case in accordance with the procedure established by Article 146 of the present Code;

2) on the refusal of the institution of a criminal case;

3) on handing over the communication in accordance with the jurisdiction in conformity with Article 151 of the present Code, and as concerns criminal cases of the private prosecution - to the court, in conformity with the second part of Article 20 of the present Code.

2. The applicant shall be informed about the adopted decision. He shall also be explained his right to appeal against the given decision and the procedure for filing an appeal.

3. In case of adoption of the decision stipulated by Item 3 of the first part of this Article, the body of inquiry, the inquirer, the investigator shall take measures for the preservation of the signs of the crime.

Chapter 20. Procedure for the Institution of a Criminal Case

Article 146. Institution of a Criminal Case of the Public Prosecution

1. If there exist the reasons and the grounds, stipulated by Article 140 of the present Code, the body of inquiry, the inquirer or the investigator within the scope of his competence established by the present Code, shall institute a criminal case, about which the corresponding resolution shall be passed.

2. In the resolution on instituting a criminal case shall be pointed out:

1) the date, time and the place of passing it;

2) by whom it is passed;

3) the reason and the ground for the institution of a criminal case;

4) the Item, part and Article of the Criminal Code of the Russian Federation, on the ground of which the criminal case is instituted.

3. If the criminal case is forwarded to the public prosecutor for determining its jurisdiction, in the resolution on instituting the criminal case shall be made a corresponding note.

4. A copy of the decision of the investigator and of the inquirer on the institution of a criminal case shall be immediately forwarded to the prosecutor. When criminal proceedings are initiated by captains of sea and river ships which a on along voyage, by heads of geological prospecting teams or of wintering places located far from inquiry bodies, by heads of diplomatic missions and consular offices of the Russian Federation, the prosecutor shall immediately notify the said persons of the start of the investigation. In this case, the decision on initiation of criminal proceedings shall be immediately passed over to the prosecutor as soon as there is a real opportunity to do it. Where the prosecutor finds the decision on initiation of criminal proceedings unlawful or ill-founded, he/she has the right within at most 24 hours as of the time of receiving the materials to reverse the decision on initiation of criminal proceedings adopting a reasoned decision on it. The investigator or inquirer shall promptly notify the applicant, as well as the person in respect of which criminal proceedings have been initiated of the adopted decision.

Article 147. Institution of a Criminal Case of Private and Private-and-Public Accusation

1. Criminal cases on the crimes indicated in Item two of Article 20 of this Code shall not be instituted otherwise than upon application of a victim or his legal representative:

1) with respect to a specific person - in the procedure established by Items One and Two of Article 318 of this Code;

2) with respect to a person indicated in Article 447 of this Code - in the procedure established by Article 448 of this Code.

2. If the application has been submitted with respect to a person the information about whom is not known by the victim, then the justice of the peace shall refuse to accept the application for his proceedings and shall send it to the the chief of an investigatory agency or the chief of an inquiry agency for deciding the issue of instituting a criminal case, about which he shall notify the person who has submitted the application.

3. The criminal cases on the crimes indicated in Item Three of Article 20 of this Code shall not be instituted otherwise than upon application of a victim or his legal representative. The proceedings on such criminal cases shall be conducted in the general procedure.

4. The investigator, as well as the inquirer with the consent of the prosecutor shall institute a criminal case on any crime indicated in Items Two and Three of Article 20 of this Code and in the absence of an application of the victim or his legal representative in the cases stipulated by Item Four of Article 20 of this Code.

Article 148. Refusal in the Institution of a Criminal Case

1. If there are no grounds for the institution of a criminal case, the investigator, the body of inquiry or the inquirer shall pass a resolution on the refusal to institute a criminal case. The refusal in the institution of a criminal case on the ground, stipulated by Item 2 of the first part of Article 24 of the present Code, shall be admissible only with respect to the concrete person.

2. When passing the resolution on the refusal of the institution of a criminal case on the results of checking the communication about the crime, based on the suspicion of its perpetration by the concrete person or persons, the investigator or the body of inquiry shall be obliged to consider the question about the institution of a criminal case for a deliberately false denunciation with respect to the person, who has reported or spread the false communication about the crime.

3. Information on the refusal to institute a criminal case by the results of checking the communication about the crime, spread by a mass medium, shall be subject to an obligatory publication.

4. A copy of the resolution on the refusal to institute a criminal case shall be directed to the applicant and to the public prosecutor within 24 hours from the moment of passing such. In this case, to the applicant shall be explained his right to appeal against the given resolution and the procedure for filing an appeal.

5. Refusal in the institution of a criminal case may be appealed against with the prosecutor, or the chief of an investigatory agency or with the court in conformity with the procedure, established by Articles 124 and 125 of the present Code.

6. Having declared the refusal of an investigator to open a criminal case as unlawful or ill-founded, the prosecutor shall issue a reasoned decision on sending the appropriate materials to the chief of an investigatory agency for settling the issue of the reversal of the decision on the refusal to open the criminal case. Having declared the decision of an inquiry body or an inquirer on the refusal to open a criminal case as unlawful or ill-founded, the prosecutor shall reverse it and shall send the appropriate decision to the chief of an inquiry body with his/her instructions attached thereto.

7. Having recognized the refusal in the institution of a criminal case as illegal or ungrounded, the judge shall pass the corresponding resolution, forward it for execution to the chief of an investigatory agency or to the chief of an inquiry body and notify to this effect the applicant.

Article 149. Directing a Criminal Case

After passing the resolution on the institution of a criminal case in the procedure established by Article 146 of the present Code:

1) Abrogated.

See text of Item 1 of Article 149

2) the investigator shall start proceedings for a preliminary investigation;

3) the body of inquiry shall perform urgent investigative actions and direct the criminal case to the chief of an investigatory agency, and as concerns the criminal cases mentioned in the third part of Article 150 of the present Code, shall carry out an inquiry.

Section VIII. Preliminary Inquisition

Chapter 21. General Terms for the Preliminary Inquisition

Article 150. Forms of the Preliminary Inquisition

1. A preliminary inquisition shall be conducted in the form of a preliminary investigation or in the form of an enquiry.

2. Conducting a preliminary investigation shall be obligatory for all criminal cases, with the exception of the criminal cases mentioned in the third part of the present Article.

3. An enquiry shall be carried out:

1) on the criminal cases on the crimes, pointed out in Articles 112, 115 and 116 and in the first part of Article 117, in Articles 118, 119 and 121 and in the first and the second parts of Article 122, in the first part of Article 123, in Article 125 and in the first part of Article 127, in Articles 129 and 130 and in the first part of Article 150, in the first part of Article 151, in Articles 153-157, in the first part of Article 158, in the first part of Article 159, in the first part of Article 160, in the first part of Article 161, in the first part of Article 163, in the first and the second parts of Article 165, in the first part of Article 166, in the first part of Article 167, in Articles 168 and 170, in the first part of Article 171, in the first part of Article 171.1, in the first and the second parts of Article 175, in Articles 177 and the first and the second parts of Article 180 , in the first part of Article 181, in the first part of Article 188, in Article 194, in Articles 203 and 207, in the first part of Article 213, in Articles 214 and 218, in the first part of Article 219, the first part of Article 220, the first part of Article 221, the first and the fourth parts of Article 222, the first and the fourth parts of Article 223, in Article 224, in the first part of Article 228, 228.2, in the first part of Article 230, the first part of Article 231, the first part of Article 232, in Article 233, in the first and the fourth parts of Article 234, the first part of Article 240, in the first part of Article 241, in Articles 242, 243-245, in the first part of Article 250, in the first part of Article 251, in first part of Article 252, in Article 253, in the first part of Article 254, in Articles 256-258, in the first part of Article 260, the first part of Article 261, in Article 262, the first part of Article 266, the first part of Article 268, the first part of Article 294, in Article 297, in the first part of Article 311, in Article 312, in the first part of Article 313, in Articles 314, 315 and 319, in the first part of Article 322, by the first part of Article 322.1, the

first part of Article 323, in Articles 324-326, in the first and the third parts of Article 327, in the first part of Article 327.1, in Articles 329 and the first part of Article 330 of the Criminal Code of the Russian Federation;

2) on the criminal cases on other crimes of a minor and an ordinary gravity - in accordance with a written direction of the public prosecutor.

4. The criminal cases specified in Item 1 of Part 3 of the present article may be transferred for preliminary investigation under a written direction of the prosecutor.

Article 151. Investigative Jurisdiction

1. A preliminary inquisition shall be conducted by the investigators and by the inquirers.

2. A preliminary investigation shall be conducted:

1) by investigators of the Investigative Committee under the Prosecutor's Office of the Russian Federation - on criminal cases:

a) on crimes, pointed out in Articles 105-110, in the fourth part of Article 111, in Articles 120 and 126, in the second and the fourth parts of Article 127, 127.1 with the second and third parts, 127.2 with the second and third parts, in Articles 128, 131-133, 136-149, 205, 205.1, 205.2, 208-212, 215, 215.1, 216, 217, 227, 237-239, 246-249, in the second and the third parts of Article 250, in the second and the third parts of Article 251, in the second and the third parts of Article 252, in the second and the third parts of Article 254, in Articles 255, 263, 269, 270, 271, 279, 282, 282.1, 282.2, 285-293, in the second and the third parts of Article 294, in Articles 295, 296, 298-305, 317, 318, 320, 321, 328, 332-354 and 356-360 of the Criminal Code of the Russian Federation;

b) on crimes, committed by the persons, pointed out in Article 447 of the present Code, except for the cases specified in Item 7 of Part 3 of the present article, and also on crimes, committed with respect to the said persons in connection with their professional activity;

c) on crimes, committed by officials of the bodies of the federal security service, of the Intelligence Service of the Russian Federation, of the Federal Guard Service of the Russian Federation, of the internal affairs bodies of the Russian Federation, of the institutions and the bodies of the criminal executive system, of the bodies for control over the traffic of narcotics and psychotropic substances and of the customs bodies of the Russian Federation, by the servicemen and by the citizens, undergoing a regular military retraining, by the civil personnel of the Armed Forces of the Russian Federation and of the other troops, military formations and bodies in connection with the discharge of their official duties, or on crimes, perpetrated on the territory of location of a military unit, formation, institution or garrison, except for the cases specified in Item 7 of Part 3 of the present article, as well as on crimes, perpetrated with respect to the said persons in connection with their official activity;

2) by the investigators of bodies of the federal security service - in criminal cases for crimes envisaged by the second to the fourth parts of Article 188, by Articles 189, 205, 205.1, 205.2, 208, 211, 275-281, 283, 284, by the second part of Article 322, by the second part of Article 322.1, by the second part of Article 323, by Articles 355 and 359 of the Criminal Code of the Russian Federation;

3) by the investigators of the internal affairs bodies of the Russian Federation - in the criminal cases for crimes, envisaged by the first to the third parts of Article 111, by Articles 113 and 114, by the second and the third parts of Article 117, by the third and the fourth parts of Article 122, by the third part of Article 123, by Articles 124, 127.1, 127.2, 134 and 135, by the second and the third parts of Article 150, by the second and the third parts of Article 151, by the second-fourth parts of Article 158, 159 the second-fourth parts, 160 the second-fourth parts, by the second and the third parts of Article 161, by Article 162, by the second and the third parts of Article 163, by Article 164, by the third part of Article 165, by the second-the fourth parts of Article 166, by the second part of Article 167, by Article 169, by the second part of Article 171, by the second part of Article 171.1, by Articles 172-174 and 174.1, by the third part of Article 175, by Articles 176, 178 and 179, 180, Part 3, by the second part of Article 181, by Articles 183-187, by the second-the fourth parts of Article 188, by Articles 191-193, 195-199.2, 201, 202, 204-206, 208-210, 213 with the second part, by Articles 215.2, 215.3, 219 with the second and third parts, 220 with the second and third parts, by the second and the third parts of Article 221, by the second and the third parts of Article 222, by the second and the third parts of Article 223, by Articles 225-227, 228 with the second part, 288.1, second and the third parts of Article 230, by the by the second and the third parts of Article 234, by Articles 235 and 236, 240 with the second and third parts, 241 with the second and third parts, 242.1, by Article 259, by the second and third parts of Article 260, by the second part of Article 261, 264, by the second and the third parts of Article 266, by Article 267, by the second and the third parts of Article 268, by Articles 272-274, 290-293 and 304, by the second and third part of Article 313, by the second part of Article 322.1, by the second part of Article 327, by the second part of Article 327.1 and by the second part of Article 330 of the Criminal Code of the Russian Federation;

4) Abolished from July 1, 2003.

5) by the investigators of the bodies for control over the traffic of narcotics and psychotropic substances - on the crimes provided for by Parts from Two to Four of Article 188 (insofar as it concerns smuggling narcotics and psychotropic substances, their analogs, tools and equipment held under special control and used for the production and manufacture of narcotic drugs and psychotronic substances), by 228 with the second part, 228.1, by Article 229, by Parts from Two and Three of Article 230, by Part

Two of Article 231, by Part Two of Article 232, by Parts Two and Three of Article 234 of the Criminal Code of the Russian Federation.

3. The inquiry shall be carried out:

1) by the inquirers of the internal affairs bodies of the Russian Federation - in all the criminal cases pointed out in the third part of Article 150 of the present Code, with the exception of the criminal cases indicated in Items 3 - 6 of the present part;

2) Abolished from July 1, 2003.

3) by the inquirers of the border guard agencies of the Federal Security Service - on the criminal cases on crimes, envisaged by Articles 253 and 256 (in the part dealing with an illegal catch of water animals and plants, exposed by the border guard agencies of the Federal Security Service), by the first part of Article 322 and by the first part of Article 323 of the Criminal Code of the Russian Federation, as well as on the crime, envisaged by the first part of Article 188 of the Criminal Code of the Russian Federation (in the part dealing with the contraband, detained by the border guard agencies of the Federal Security Service in the absence of the customs bodies of the Russian Federation);

4) by the inquirers of the bodies of officers of law mentioned in Item 2 of the first part of Article 40 of the present Code - in the criminal cases for crimes envisaged by Articles 157 and 177, the first part of Article 294, by Article 297, by the first part of Article 311, by Articles 312 and 315 of the Criminal Code of the Russian Federation;

5) by the inquirers of the customs bodies of the Russian Federation - on the criminal cases on crimes envisaged by the first part of Article 188 and by Article 194 of the Criminal Code of the Russian Federation.

6) by inquirers of the bodies of the state fire supervision of the Federal Fire-Prevention Service: in criminal cases relating to the crimes defined in Article 168, Part 1 of Article 219, Part 1 of Article 261 of the Criminal Code of the Russian Federation;

7) by investigators of the Investigative Committee under the Prosecutor's Office of the Russian Federation: in criminal cases relating to the crimes defined in Part 3 of Article 150 of the present Code committed by the persons specified in Subitems "b" and "c" of Item 1 of Part 2 of the present article;

8) by inquirers (investigators) of the bodies for control over the traffic of narcotics and psychotropic substances - in the criminal cases concerning the crimes provided for by 228 with the first part, 228.2, by Part One of Article 230, by Part One of Article 231, by Part One ofArticle 232, by Article 233 and by Parts One and Four of Article 234 of the Criminal Code of the Russian Federation.

4. On criminal cases on crimes envisaged by Articles 275, 276, 283 and 284 of the Criminal Code of the Russian Federation, of the perpetration of which are accused the persons, pointed out in Subitem c) of Item 1 of

the second part of the present Article, a preliminary investigation shall be conducted by investigators from the bodies of the federal security service.

5. On the criminal cases on crimes envisaged by the Article 146, Parts Three and Four of Article 158, 159 with the second to fourth parts, 160 with the second-fourth parts, by Parts Two and Three of Article 161, by Article 162, by the second part of Article 171, by the second part of Article 171.1, by Articles 172-174, 174.1, 176, 183, 185, 187, 188 and 190, by the second part of Article 191, by Articles 192, 193, 195-197, 201, 202, 204, 206, 208-210, by the second and the third parts of Article 222, by the second-the fourth parts of Article 226, by 228 with the second part, 228.1, by Articles 272-274, 282.1, 282.2, 308 and 310, by the second part of Article 327 and by the second part of Article 327.1 of the Criminal Code of the Russian Federation, a preliminary investigation may also be conducted by the investigators of the body, which has revealed these crimes.

6. In the criminal cases for crimes envisaged by Articles 150, 285, 285.1, 285.2, 286, 290-293 and 306-310, by the second part of Article 311, by Articles 316 and 320 of the Criminal Code of the Russian Federation, a preliminary investigation shall be conducted by the investigators of that body, under whose investigative jurisdiction the crime, in connection with which the corresponding criminal case is instituted, is referred.

7. If in one and the same procedure are combined the criminal cases, placed under the investigative jurisdiction of different bodies of the preliminary investigation, the investigative jurisdiction shall be determined by the public prosecutor under the observation of the investigative jurisdiction, established by this Article.

8. Disputes concerning the investigative jurisdiction of a criminal case shall be settled by a prosecutor.

Article 152. Place of Conducting a Preliminary Inquisition

1. A preliminary inquisition shall be conducted at the place of committing the action containing the signs of a crime, with the exception of the cases dealt with in this Article. If it is necessary to conduct the investigative or the search actions at a different place, the investigator shall have the right to carry these out himself, or to entrust the carrying out of these actions, respectively, to the investigator or to the body of inquiry, who (which) shall be obliged to execute the order within ten days.

2. If the crime was started in one place and completed in another, the criminal cases shall be investigated at the place where the crime was completed.

3. If the crimes are committed at different places, the criminal case shall be investigated, per the decision of the superior chief of an investigatory agency, at the place of the perpetration of the majority of the crimes or at the place of the perpetration of the most serious crime of all.

4. A preliminary inquisition may be conducted at the place of location of the accused or of the majority of witnesses in order to ensure its fullness and objectivity, as well as the observation of the procedural time terms.

5. Having found that the criminal case is out of their investigative jurisdiction, the investigator and the inquirer shall perform the urgent investigative actions and then the investigator shall hand the criminal case over to the chief of an investigatory agency and the inquirer shall hand the criminal case over to the prosecutor for passing it on in accordance with its investigative jurisdiction.

Article 153. Combining of Criminal Cases

1. In a single procedure may be combined criminal cases with respect to:

1) several persons, who have perpetrated one or several crimes in complicity;

2) one person, who has committed several crimes;

3) a person, accused of the concealment, not promised in advance, of the crimes investigated on these criminal cases.

2. Combining of criminal cases shall also be admissible in the cases, when the person who must be involved as the defendant is not identified, while there are grounds to believe that several crimes have been perpetrated by one person or by a group of persons.

3. Combining of criminal cases shall be effected on the grounds of a resolution of the chief of an investigatory agency.

4. When criminal cases are combined, the time term for the procedure on these shall be determined by the criminal case with the longest term of preliminary investigation. In this case, the term of the procedure on the rest of the criminal cases shall be consumed by the longest term and shall not be computed in addition to it.

Article 154. Separation of a Criminal Case

1. The inquirer, the investigator shall have the right to set apart from a criminal case into a separate procedure another criminal case with respect to:

1) the individual suspected or accused on the criminal cases on crimes committed in complicity, in the cases indicated in Items 1 - 4 of the first part of Article 208 of the present Code;

2) a minor suspected or accused, brought to criminal liability together with adult accused persons;

3) the other persons, suspected or accused of committing a crime not connected with the actions incriminated on the inquisited criminal case, when this becomes known in the course of the preliminary inquisition.

2. Severance of a criminal case into a separate procedure for completing the preliminary inquisition shall be seen as admissible, if this does not tell of the comprehensive and objective character of the

preliminary inquisition and of the resolution of the criminal case, and also when this is called forth by a large volume of the criminal case or by the multiplicity of its episodes.

3. The separation of a criminal case shall be performed on the ground of the resolution of the investigator or of the inquirer. If a criminal case is discerned as separate proceedings for the purposes of performing a preliminary investigation of a new crime or in respect of a new person the decision shall contain a decision to bring criminal action in the manner set out in Article 146 of the present Code.

4. In the criminal case set apart into a separate procedure shall be contained the originals or the copies of the procedural documents of importance to the given criminal case, certified by the investigator or by the inquirer.

5. The materials of a criminal case, cut into separate proceedings shall be admitted as proof on the given criminal case.

6. The term of the preliminary investigation on a criminal case, set apart into separate proceedings, shall be counted as from the day of passing the corresponding resolution, when the criminal case is set apart on a new crime or with respect to a new person. In the rest of the cases, the term shall be counted as from the moment of institution of that criminal case, from which the criminal case in question is severed into a separate procedure.

Article 155. Cutting into Separate Proceedings the Criminal Case Materials

1. If it became known in the course of preliminary investigation that other persons committed a crime which is not connected with the crime being investigated, the investigator or the inquirer shall issue the decision on detachment of the materials containing data on the new crime from the criminal case-file and sending them for adoption of the decision in compliance with Articles 144 and 145 of this Code: the investigator - to the chief of an investigatory agency and the inquirer - to the prosecutor.

2. The materials containing data on a new crime and set apart from a criminal case into a separate proceedings shall be admitted as evidence in respect of this criminal case.

Article 156. Start of the Procedure of the Preliminary Inquisition

1. The preliminary inquisition begins as from the moment of instituting the criminal case, on which the investigator or the inquirer, or the body of inquiry shall pass the corresponding resolution. The investigator or the inquirer shall also point out in the resolution that he has accepted the criminal case for his own proceedings.

2. If the investigator or the inquirer is entrusted with the proceedings on an already instituted criminal case, he shall pass the resolution on

accepting it on his own proceedings, a copy of which shall be directed to the public prosecutor within 24 hours as of the moment of passing such.

Article 157. Procedure for Urgent Investigative Actions

1. If there are the signs of a crime, on which the performance of a preliminary investigation is obligatory, the body of inquiry shall institute a criminal case and shall carry out urgent investigative actions in accordance with the procedure, established by Article 146 of the present Code.

2. Urgent investigative actions shall be performed by:

1) the bodies of inquiry, mentioned in Items 1 and 8 of Article 151 of the present Code - on all the criminal cases, with the exception of the criminal cases, pointed out in Items 2 - 6 of the second part of this Article;

2) the bodies of the federal security service - in the criminal cases for crimes indicated in Item 2 of the second part of Article 151 of the present Code;

3) the customs bodies: in criminal cases relating to the crimes defined in Articles 188, Parts 2-4, 189, 190, 193 of the Criminal Code of the Russian Federation;

4) the commanders of military units and formations, the heads of military institutions and garrisons - in the criminal cases for crimes, committed by servicemen, by the citizens undergoing a regular military training and also by the persons of the civilian personnel of the Armed Forces of the Russian Federation and of the other troops, military formations and bodies in connection with the performance of their official duties or in the area of location of the unit, formation, institution or garrison;

5) the heads of the institutions and the bodies of the criminal-executive system - in the criminal case for crimes against the established procedure for doing the service, committed by the workers of the corresponding institutions and bodies, as well as on crimes, committed in the area of location of the said institutions and bodies by other persons;

6) the other official persons, to whom the powers of the bodies of inquiry are granted in conformity with Article 40 of the present Code.

3. After the performance of urgent actions and not later than ten days from the day of institution of a criminal case, the body of inquiry shall forward the criminal case to the chief of an investigatory agency in conformity with Item 3 of Article 149 of the present Code.

4. After the criminal case is passed to the head of an investigatory agency, the body of inquiry may carry out investigative actions and take operational-search measures on it only on the orders of the public prosecutor. If to the public prosecutor is directed a criminal case, on which the person who has committed the crime is not identified, the body of inquiry shall be obliged to launch the search and the operational-search measures for establishing the person who has perpetrated the crime, and to inform the investigator on the results thereof.

Article 158. End of the Preliminary Inquisition

1. The procedure for the preliminary inquisition shall be ended:

1) for criminal cases on which a preliminary investigation is obligatory - in the procedure established by Chapters 29-31 of the present Code;

2) for all other criminal cases - in the order, established by Chapter 32 of the present Code.

2. Having established in the course of the pre-trial proceedings on the criminal case the circumstances, conducive to the perpetration of the crime, the investigator shall have the right to make a presentation to the corresponding organization or to the corresponding official for these to take measures for eliminating the said circumstances or other law offences. The given presentation shall be subject to examination with an obligatory notification about the launched measures not later than one month from the day of taking it.

Article 158.1. Restoration of Criminal Cases

1. A lost criminal case or materials thereof shall be restored by decision of the chief of an investigatory agency, the chief of an inquiry agency or by a court decision directed to the chief of an investigatory agency or to the chief of an inquiry agency for execution in the event of losing the criminal case or materials thereof in the course of court proceedings.

2. A criminal case shall be restored on the basis of extant copies of a criminal case's materials which may be recognized as evidence in the procedure established by this Code and by way of committing procedural actions.

3. The term of inquiry, preliminary investigation and holding in custody in the event of restoring a criminal case shall be estimated in the procedure established by Articles 109, 162 and 223 of this Code.

4. If the maximum time for holding in custody under a criminal case has expired, the convict shall be subject to immediate release.

Article 159. Obligatory Nature of Examining the Petition

1. The investigator or the inquirer shall be obliged to consider every petition, applied on the criminal case, in accordance with the order established by Chapter 15 of the present Code.

2. In this case the suspect or the accused, his counsel for the defence, as well as the victim, the civil claimant, the civil defendant or their representatives, cannot be refused in the interrogation of the witnesses, in carrying out a court examination or other investigative actions if the circumstances for the establishment of which they apply, are of importance for the given criminal case.

3. If the satisfaction of the petition is fully or partially refused, the investigator or the inquirer shall pass a resolution.

4. The resolution on the refusal in the satisfaction of the petition may be appealed against in accordance with the procedure established by Chapter 16 of the present Code.

Article 160. Measures for Care for the Children and the Dependents of the Suspect or the Accused, and Measures for Ensuring the Security of His Property

1. If the suspect or the accused, who is detained or is taken into custody, has the minors or other dependents left without care and support, as well as the old-aged parents in need of being looked after by others, the investigator and the inquirer shall take measures for putting them into the care of close relatives or relations or other persons, or for placing them into the childrens' institutions or social establishments.

2. The investigator and the inquirer shall take measures to ensure the security of the property and the living quarters of the suspect or of the accused, who is detained or taken into custody.

3. The investigator and the inquirer shall notify the suspect or the accused about the taken measures.

Article 161. Inadmissibility of Divulging the Data of the Preliminary Inquisition

1. The data of the preliminary inquisition shall not be divulged, with the exception of the cases envisaged in the third part of this Article.

2. The investigator or the inquirer shall warn the participants in the criminal court proceedings about the inadmissibility of divulging without the permission the data of the preliminary inquisition, on which the recognizance shall be taken from them with the warning about their responsibility in conformity with Article 310 of the Criminal Code of the Russian Federation.

3. The data of the preliminary inquisition may be revealed only with the permission of the investigator and the inquirer, and only in that volume, in which they recognize this as admissible, if such divulgence does not contradict the interests of the preliminary inquisition and is not connected with a violation of the rights and lawful interests of the participants in the criminal court proceedings. The divulgence of the data on the private life of the participants in the criminal court proceedings without their consent shall be inadmissible.

Chapter 22. Preliminary Investigation

Article 162. Term of the Preliminary Investigation

1. The preliminary investigation on a criminal case shall be completed within two months from the day of institution of the criminal case.

2. Into the term of the preliminary investigation shall be included the period of time from the day of institution of the criminal case untill the day of forwarding it to the public prosecutor with the conclusion of guilt or with the resolution on handing over the criminal case to the court for examining the question about the application of forcible measures of the medical character, or untill the day of adopting the resolution on the termination of the proceedings on the criminal case.

3. Into the term of the preliminary investigation shall not be included the time, during which the preliminary investigation was suspended on the grounds envisaged by the present Code.

4. The term of the preliminary investigation stipulated by Part One of this article may be extended up to three months by the chief of the corresponding investigatory body.

5. The term of the preliminary investigation on a criminal case, the inquisition of which is particularly complicated, may be extended by the chief of the investigatory agency for a constituent entity of the Russian Federation and by another equated therewith chief of the investigatory body, as well as by deputies thereof, by up to twelve months. A further extension of the term of the preliminary investigation may be effected only in exceptional cases by the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation, by the chief of the investigatory agency of the appropriate federal executive body (under the federal executive body) or by deputies thereof.

6. If the prosecutor returns a criminal case to an investigator in compliance with Item 2 of Part One of Article 221 of this Code, the term for execution of the prosecutor's instructions shall be established by the chief of an investigatory agency and may not exceed one month as of the date of receiving this criminal case by the investigator. if a suspended or terminated criminal case is resumed, the term of an additional investigation shall be fixed by the chief of an investigatory agency and may not exceed one month from the day when the criminal case came to the investigator. The term of the preliminary investigation shall be further extended on general grounds in accordance with the order established by this Article.

7. If it is necessary to extend the term of the preliminary investigation, the investigator shall pass the corresponding resolution and shall submit it to the chief of an investigatory agency not later than five days prior to an expiry of the term of the preliminary investigation.

8. The investigator shall notify in writing the accused and his counsel for the defence, as well as the victim and the representative thereof about the extension of the term of the preliminary investigation.

Article 163. Conducting a Preliminary Investigation by an Investigative Group

1. The conducting of a preliminary investigation on a criminal case of a special complexity or of large volume may be entrusted to an

investigative group, about which a separate resolution shall be passed or which shall be pointed out in the resolution on the institution of the criminal case.

2. The decision on the performance of a preliminary investigation by an investigative group and on changing the composition thereof shall be taken by the chief of an investigatory agency. In the resolution shall be listed all the investigators, who are entrusted with conducting the preliminary investigation; among other things, it shall be pointed out what particular investigator is appointed as the head of the investigative group. Into the work of the investigative group may be involved officials from the bodies engaged in the operational-search activity. The composition of an investigative group shall be announced to the suspect or to the accused.

3. The head of the investigative group shall assume the criminal case as for his own proceedings, shall organise the work of the investigative group, shall guide the actions of the other investigators and compile the conclusion of guilt or pass the resolution on forwarding the criminal case to the court for considering the question about the application of coercive measures of the medical character towards the person who has committed the crime, and shall forward the given resolution, together with the criminal case, to the public prosecutor.

4. The head of the investigative group shall take decisions on:

1) the separation of the criminal case into separate proceedings in accordance with the procedure laid down by Articles 153-155 of the present Code;

2) termination of the criminal case fully or in part;

3) suspension or the resumption of the proceedings on the criminal case;

4) the involvement of a person as the accused and on the volume of the charge brought against him;

5) directing the accused to a medical or psychiatric stationary hospital for carrying out a forensic-medical or a forensic-psychiatric examination, respectively, with the exception of the cases envisaged by Item 3 of the second part of Article 29 of the present Code;

6) submitting a petition to the chief of an investigatory agency on an extension of the term of the preliminary investigation;

7) lodging a petition to the court on the selection of a measure of restriction, as well as on conducting investigative and other procedural actions, envisaged by the second part of Article 29 of the present Code.

5. The head and the members of an investigative group shall have the right to take part in the investigative actions performed by the other investigators, to conduct investigative actions themselves and to adopt decisions on the criminal case in the order established by the present Code.

Article 164. General Rules for Conducting Investigative Actions

1. The investigative actions, stipulated by Articles 178, part 3, 179, 182 and 183 of the present Code, shall be conducted on the ground of the investigator's resolution.

2. In the cases envisaged by Items 4-9 and 11 of the second part of Article 29 of the present Code, investigative actions shall be carried out on the grounds of a court decision.

3. Conducting an investigative action in night time shall be inadmissible, with the exception of urgent cases.

4. The application of violence, threats and other illegal actions in conducting investigative actions, or the creation of a threat to the life and health of those participating in them, shall be prohibited.

5. While drawing into the participation in investigative actions the participants in the criminal court proceedings, pointed out in Chapters 6-8 of the present Code, the investigator shall ascertain their person and explain to them their rights and responsibility, as well as the procedure for the performance of the corresponding investigative action. If in the performance of the investigative action is taking part the victim, witness, specialist, expert or an interpreter, he shall also be warned about the responsibility, stipulated by Articles 307 and 308 of the Criminal Code of the Russian Federation.

6. In conducting investigative actions may be applied technical devices and methods for the detection, fixation and seizure of the traces of the crime and of the demonstrative proof.

7. The investigator shall have the right to draw into the investigative actions an official from the body engaged in the operational-search activity, about which the corresponding entry shall be made into the protocol.

8. In the course of the performance of an investigative action, a protocol shall be kept in conformity with Article 166 of the present Code.

Article 165. Judicial Procedure for Obtaining Permission for the Performance of an Investigative Action

1. In the cases, envisaged by Items 4-9 and by the second part of Article 29 of the present Code, the investigator shall lodge to the court, with the consent of the chief of an investigatory agency, a petition for the performance of an investigative action on which a resolution shall be passed.

2. The petition for the performance of an investigative action shall be subject to consideration by a judge on his own of a district court or of a military court of the corresponding level at the place where the preliminary investigation is conducted or the investigative action is performed, no later than 24 hours from the moment when the said petition came in.

3. The public prosecutor, investigator and inquirer have the right to participate in the court session.

4. Having considered said petition, the judge shall pass a resolution on permitting the performance of the investigative action or on the refusal in the performance of such, with an indication of the motives for such refusal.

5. In exceptional cases when an examination of living quarters, search and seizure in the living quarters, a personal search and also the seizure of the thing pawned or deposited in the pawnshop, the seizure of the property mentioned in Part 1 of Article 104.1 of the Criminal Code of the Russian Federation is urgent, the above-mentioned investigative actions may be performed on the ground of the investigator's resolution, without obtaining a judicial decision. In this case, the investigator shall be obliged, within 24 hours from the moment of starting the performance of the investigative action, to notify the judge and the public prosecutor about the performance of the investigative action. To the notification shall be enclosed copies of the resolution on the performance of the investigative action and of the protocol of investigative action for checking up the legality of the decision on the performance of such. Having received this notification, the judge shall be obliged to verify the legality of the performed investigative action within the term stipulated by the second part of this Article and to pass a resolution on its legality or illegality. If the judge recognizes the performed investigative action as illegal all proofs obtained in the course of such investigative action shall be recognized as inadmissible in conformity with Article 75 of the present Code.

Article 166. Protocol of an Investigative Action

1. The protocol of an investigative action shall be compiled in the course of the investigative action or directly after completing it.

2. The protocol may be written by hand or made with the use of technical devices. During the performance of an investigative action may also be applied short-hand, photography, cinema shooting and audio and video recording. Short-hand and verbatim reports, photographic negatives and photographs, as well as audio and video recordings shall be kept in the criminal case file.

3. In the protocol shall be pointed out:

1) the place and the date of the performance of the investigative action, and the time of its start and its end with the precision of up to one minute;

2) the post, surname and the initials of the person who has compiled the protocol;

3) the surname, name and patronymic of every person who has taken part in the investigative action, and if necessary, also his address and other data on these persons.

4. In the protocol shall be described the procedural actions in the order in which they were performed and the circumstances of importance for the given criminal case, revealed during their performance; the

statements of the persons, who have taken part in the investigative action, shall also be cited.

5. In the protocol it shall also be indicated the technical devices applied when performing the investigative action, the terms and the order of their use, the objects towards which these devices were applied, and the obtained results. In the protocol it shall be pointed out that the persons, who have taken part in the investigative action, were warned in advance about the application of the technical devices in the performance of the investigative action.

6. The protocol shall be presented for getting acquainted with it to all the persons who have taken part in the investigative action. To the said persons shall be explained their right to make remarks on its extension and specification which shall be entered into the protocol. All the entered remarks on an extension and the specification of the protocol shall be agreed with, and certified by the signatures of these persons.

7. The protocol shall be signed by the investigator and by the persons who have taken part in the investigative action.

8. To the protocol shall be enclosed the photographic negatives and photographs, cinema films, slides and phonograms of interrogation, video recording cassettes, computer information media, the draughts, maps and schemes, as well as the moulds and the imprints of the traces, made during the performance of the investigative action.

9. If it is necessary to provide for the safety of the victim, of his representative and witness, of their close relatives, relations and their near and dear persons, the investigator shall have the right not to supply the data on these persons in the protocol of the investigative action, in which the victim and his representative or witness have taken part. In this case, the investigator with the consent of the chief of an investigatory agency shall pass the resolution, in which the reasons for the adoption of the decision on keeping a secret about these data, the pseudonym of the participant in the investigative action and a sample of his signature which he will be using in the protocols of the investigative actions performed with his participation. The resolution shall be put into an envelope, which shall be sealed and enclosed to the criminal case file.

10. The protocol shall also contain an entry on the explanation to the participants in the investigative action, in conformity with the present Code, of their rights and responsibility, and of the procedure for the performance of the investigative action, which shall be certified with the signatures of the participants in the investigative actions.

Article 167. Certification of the Fact of Refusal to Sign or Impossibility to Sign the Protocol of an Investigative Action

1. If the suspect, the accused, the victim or another person, participating in an investigative action, refuses to sign the protocol of the investigative action, the investigator shall enter into it a corresponding

entry, which shall be certified with the investigator's signature, as well as with the signatures of the counsel for the defence, of the legal representative or of the representative, and of the attesting witnesses, if they are taking part in the investigative action.

2. To the person, who has refused to sign the protocol, shall be provided an opportunity to explain the reasons for the refusal, which is to be entered into the given protocol.

3. If the suspect, the accused, the victim or the witness cannot sign the protocol because of his physical defects or on account of the poor state of his health, this person shall be made acquainted with the text of the protocol in the presence of the counsel for the defence, of the legal representative, of the representative or of the attesting witnesses, who shall confirm with their signatures the content of the protocol and the fact of the impossibility to sign it.

Article 168. Participation of a Specialist

1. The investigator shall have the right to draw into the participation in an investigative action the specialist in conformity with the demands of the fifth part of Article 164 of the present Code.

2. Before the start of the investigative action, in which the specialist is taking part, the investigator shall become convinced of the former's competence, shall find out his relationships with the suspect, the accused and the victim, and shall explain to the specialist his rights and his responsibility, stipulated by Article 58 of the present Code.

Article 169. Participation of an Interpreter

1. In the cases, envisaged by the second part of Article 18 of the present Code, the investigator shall draw into the participation in an investigative action an interpreter, in conformity with the demands of the fifth part of Article 164 of the present Code.

2. Before the start of the investigative action, in which an interpreter is taking part, the investigator shall make certain of the former's competence and shall explain to him his rights and responsibility, stipulated by Article 59 of the present Code.

Article 170. Participation of Attesting Witnesses

1. In the cases, envisaged in Articles 115, 177, 178, 181-184, in the fifth part of Article 185, in the seventh part of Article 186, in Articles 193 and 194 of the present Code, investigative actions are performed with the participation of at least two attesting witnesses, who shall be summoned for the certification of the fact of the performance of the investigative action, of its process and its results, with the exception of the cases mentioned in the third part of the present Article.

2. In the rest of the cases, investigative actions shall be performed without the participation of attesting witnesses, unless the investigator

adopts a different decision upon the petition of participants in the criminal court proceedings or at his own initiative.

3. In a locality which is difficult to access and if there are no proper communication facilities, as well as in the cases when the performance of an investigative action is connected with a danger for the life and health of people, the investigative actions envisaged in the first part of this Article may be carried out without the participation of attesting witnesses, about which the corresponding note shall be made in the protocol of the investigative action. If an investigative action is carried out without the participation of attesting witnesses, technical devices shall be applied for reflecting its process and results. If in the course of an investigative action the application of technical devices is impossible, the investigator shall make the corresponding entry into the protocol.

4. Before the start of an investigative action, the investigator shall explain to the attesting witnesses, in conformity with the fifth part of Article 164 of the present Code, the purpose of the investigative action and their rights and responsibilities, stipulated by Article 60 of the present Code.

Chapter 23. Bringing to Court the Accused. Bringing the Charge

Article 171. The Procedure for the Involvement as the Accused

1. If there exist sufficient proof, comprising a ground for bringing a charge against the person for the perpetration of a crime, the investigator shall pass a resolution on taking the given person to the bar in the capacity of the defendant.

2. In the resolution shall be pointed out:

1) the date and place of its compiling;

2) who has compiled the resolution;

3) the surname, name and patronymic of the person, taken to the bar in the capacity of the defendant, the day, month and year, and the place of his birth;

4) a description of the crime with an indication of the time and place of its perpetration, as well as other circumstances subject to proving in conformity with with Items from 1 to 4 of Part One of Article 73 of the present Code;

5) the Item, the part and the Article of the Criminal Code of the Russian Federation, stipulating liability for the given crime;

6) a decision on taking the person to the bar in the capacity of defendant on the inquisited criminal case.

3. If the person is accused of committing several crimes, envisaged by different Items, parts and Articles of the Criminal Code of the Russian Federation, in the resolution on taking him to the bar in the capacity of the defendant shall be pointed out what particular actions are incriminated to him on every one of these norms of the criminal law.

4. If several persons are taken to the bar on one criminal case in the capacity of the defendants, the resolution on the involvement in the capacity of the accused shall be passed with respect to every one of them.

Article 172. Procedure for Bringing a Charge

1. A charge shall be brought against a person not later than three days from the day of passing the resolution on taking him to the bar in the capacity of the defendant in the presence of his counsel of the defence, if the latter is taking part in the criminal case.

2. The investigator shall notify the accused about the day of bringing the charge and shall simultaneously explain to him his right to invite a counsel for the defence on his own or to file a petition for guaranteeing the participation of a counsel for the defence by the investigator in accordance with the procedure, established by Article 50 of the present Code.

3. The accused, who is held in custody, shall be informed about the day when the charge is going to be brought through the administration of the place where he is held in custody.

4. The accused, who is at large, shall be notified about the day of bringing the charge in accordance with the procedure, established by Article 188 of the present Code.

5. The investigator, having identified the person of the accused, shall announce to him and to his counsel for the defence, if the latter is taking part in the criminal case, the resolution on taking the given person to the bar in the capacity of defendant. In this case the investigator shall explain to the accused the substance of the presented charge, as well as his rights stipulated by Article 47 of the present Code, which shall be certified with the signatures of the accused, of his counsel for the defence and of the investigator on the resolution with an indication of the date and the hour of bringing the charge.

6. If the accused or his counsel for the defence does not appear at the time fixed by the investigator, and also if the place of location of the accused is not established, the charge shall be brought on the day of the actual appearance of the accused or on the day of his being brought forcibly on the condition that the investigator has provided for the participation of a counsel for the defence.

7. If the accused refuses to sign the resolution, the investigator shall make in it the corresponding entry.

8. The investigator shall hand in to the accused and to his counsel for the defence a copy of the resolution on taking the given person to the bar in the capacity of defendant.

9. A copy of the resolution on taking the person to the bar in the capacity of defendant shall be directed to the public prosecutor.

Article 173. Interrogation of the Accused

1. The investigator shall interrogate the accused immediately after the charge is brought against him, while observing the demands of Item 9 of the fourth part of Article 47 and of the third part of Article 50 of the present Code.

2. At the beginning of the interrogation, the investigator shall find out whether the accused recognizes himself as being guilty, whether he wishes to give evidence on the merits of the charge brought against him and in what language. If the accused refuses to give evidence, the investigator shall make a corresponding entry into the protocol of his interrogation.

3. The interrogation shall be conducted in accordance with the procedure established by Article 189 of the present Code, with the exceptions laid down by the present Article.

4. A repeated interrogation of the accused on the same charge, if he has refused to give evidence at the first interrogation, may be conducted only at the request of the accused himself.

Article 174. Protocol of an Interrogation of the Accused

1. At every interrogation of the accused, the investigator shall compile a protocol with the observation of the demands of Article 190 of the present Code.

2. In the protocol of the first interrogation shall be pointed out the following data on the person of the accused:

1) surname, name and patronymic;
2) date and place of birth;
3) citizenship;
4) education;
5) family status and composition of his family;
6) place of work or studies, the kind of the occupations or the post;
7) place of residence;
8) existence of a previous criminal record;
9) other information of importance for the criminal case.

3. In the protocols of the subsequent interrogations, the data on the person of the accused, unless they have changed, may be reduced to an indication of his surname, name and patronymic.

Article 175. Amendment and Extension of the Charge. Partial Termination of the Criminal Prosecution

1. If in the course of the preliminary investigation a ground arises for an amendment of the brought charge, the investigator, in conformity with Article 171 of the present Code, shall pass a new resolution on taking the person to the bar in the capacity of the defendant and shall present it to the accused in accordance with the procedure, established by Article 172 of the present Code.

2. If in the course of the preliminary investigation the brought charge has not been confirmed in any one of its parts, the investigator shall stop

the criminal prosecution in the corresponding part by his resolution, about which the accused, his counsel for the defence and the public prosecutor shall be notified.

Chapter 24. Examination. Inspection. Investigative Experiment

Article 176. Grounds for an Examination

1. Examination of the place of accident, locality, place of dwelling, other premises, of the objects and the documents shall be aimed at revealing the traces of the crime and at elucidating other circumstances of importance for the criminal case.

2. In cases precluding a delay, an examination of the scene of the event may be performed before the institution of the criminal case.

Article 177. Procedure for an Examination

1. An examination shall be carried out with the participation of attesting witnesses, with the exception of the cases indicated in the third part of Article 170 of the present Code.

2. An examination of the traces of crimes and of the other exposed objects shall be performed at the place of performance of the investigative action, with the exception of the cases pointed out in the third part of this Article.

3. If for carrying out such an examination a long time is required, or if the examination on the scene is difficult, the objects shall be seized, packed, sealed and certified with the signatures of the investigator and of the attesting witnesses at the place of examination. Subject to the seizure shall be only those objects that may have a bearing on the criminal case. In the protocol of the examination shall be supplied, if possible, the individual characteristics and the specific features of the seized objects.

4. All the objects, exposed and seized during an examination, shall be presented to the attesting witnesses and to the other participants in the examination.

5. An examination of the living quarters shall be carried out only with the consent of the persons residing there, or on the ground of a court decision. If the persons, residing there, object to the examination, the investigator shall file a petition for the performance of an examination with the court in conformity with Article 165 of the present Code.

6. An examination of the living quarters shall be made in the presence of a representative of the administration of the corresponding organization. If it is impossible to make certain his participation in the examination, into the protocol shall be made an entry to this effect.

Article 178. External Examination of a Corpse. Exhumation

1. The investigator shall carry out an external examination of a corpse with the participation of attesting witnesses and of the forensic

medical expert, and if the latter's presence is impossible of a doctor. If necessary, other specialists may also be invited for an examination of the corpse.

2. Unidentified corpses shall be subject to an obligatory photography and dactylography. The cremation of unidentified corpses shall be inadmissible.

3. If it is necessary to take a corpse out of the place of burial, the investigator shall pass a resolution on the exhumation and shall notify to this effect the close relatives or the relations of the deceased. The resolution shall be obligatory for the administration of the corresponding place of burial. If the close relatives or the relations of the deceased object to the exhumation, a permit for carrying it out shall be issued by the court.

4. The exhumation and the examination of the corpse shall be performed with the participation of the persons, pointed out in the first part of the present Article.

5. The outlays, involved in the exhumation and in the subsequent burial of the corpse, shall be recompensed to the relatives of the deceased in accordance with the procedure, laid down by Article 131 of the present Code.

Article 179. Inspection

1. For exposure of the specific features and traces of a crime on the person's body, as well as the bodily injuries, and also for an exposure of the state of drunkenness or of the other properties and characteristics of importance for the criminal case, if no forensic medical expertise is required for this, an inspection of the suspect, of the accused and of the victim may be effected, as well as of the witness with his consent, with the exception of the cases when such inspection is necessary for assessing the authenticity of his evidence.

2. The investigator shall pass a resolution on carrying out an inspection, which is obligatory for the inspected person.

3. The inspection shall be performed by the investigator. If necessary, the investigator may invite a doctor or another specialist to take part in the investigation.

4. The investigator shall not take part in the inspection of a person of the opposite sex, if such inspection is accompanied with the latter's stripping to nakedness. In this case, the inspection shall be performed by a doctor.

5. The photographing, the video recording and the cinema shooting in the cases, stipulated by the fourth part of this Article, shall be made only with the consent of the inspected person.

Article 180. Protocols of an Examination and of an Inspection

1. The protocols of an examination and of an inspection shall be compiled with the observation of the demands of this Article and of Articles 166 and 167 of the present Code.

2. In the protocols shall be described all the actions of the investigator, as well as everything that was exposed during the examination and/or the inspection, in the same sequence in which the examination and the inspection were carried out, and in that form in which it was found at the moment of the examination and of the inspection. In the protocols shall be enumerated and described all the objects, seized during the examination and/or the inspection.

3. In the protocols it shall also be pointed out at what time, in what weather and in what lighting the examination or the inspection was performed, what technical devices were applied and what results were obtained, what objects were seized and sealed, and with what kind of seal, and also where the corpse, or the objects of importance for the criminal case were forwarded after the examination.

Article 181. Investigative Experiment

To check up and to specify the data of importance for the criminal case, the investigator shall have the right to stage an investigative experiment by reproducing the actions, as well as the situation or the other circumstances of a certain event. In this way shall be verified the possibility of the comprehension of certain facts or of the performance of definite actions or of the occurrence of a certain event; the sequence of the event that has taken part and the mechanism of leaving the traces shall also be elucidated. Staging of an investigative experiment shall be admissible only if this does not create a threat to the health of the participating persons.

Chapter 25. Search. Seizure. Putting the Postal and Telegraph Messages under Arrest. Monitoring and Recording of Discussions

Article 182. Grounds and Procedure for Making a Search

1. Seen as a ground for making a search shall be the existence of sufficient data to believe that such and such person may keep in such and such place the instruments of crime, objects, documents and valuables which may prove to be of importance to the criminal case.

2. The search shall be performed on the ground of an investigator's resolution.

3. A search in the living quarters shall be effected on the ground of a court decision to be adopted in accordance with the procedure, laid down by Article 165 of the present Code.

4. Before the start of the search, the investigator shall present the resolution on its performance, and in the cases stipulated by the third part of the present Article - the court decision, permitting to make such.

5. Before the start of the search, the investigator shall suggest that the objects, the documents and the valuables, subject to the seizure, which

may prove of importance for the criminal case, be given out voluntarily. If these are given out voluntarily and there are no grounds for an apprehension that they may be concealed, the investigator shall have the right not to perform the search.

6. When making a search, any premises may be forced into, if the owner refuses to open them voluntarily. In this case, no unnecessary damage shall be done to the property.

7. The investigator shall take measures to prevent laying bare the circumstances of the private life of the person, in whose living quarters the search was performed, his private and/or family secrets, as well as the circumstances of the private lives of other persons exposed during the search.

8. The investigator shall have the right to prohibit the persons present at the place where the search is carried out, to leave this place and to communicate with one another or with the other persons untill the end of the search.

9. While carrying out the search, the objects and the documents which not allowed for possession shall be seized by all means.

10. The seized objects, documents and valuables shall be presented to the attesting witnesses and to the other persons, present at the search, and if necessary, shall be packed and sealed at the scene of the search, which shall be certified with the signatures of the above-said persons.

11. When a search is performed the person whose premises are subjected to it or adult members of the family thereof shall take part. When a search is performed a counsel for the defence and also a lawyer of the person whose premises are subjected to it are entitled to be in attendance.

12. When making a search, a protocol shall be compiled in conformity with Articles 166 and 167 of the present Code.

13. In the protocol shall be pointed out, in what place and under what circumstances the objects, the documents or the valuables were revealed, and whether they were issued of a free will or seized under coercion. All the seized objects, documents and valuables shall be listed, with a precise indication of their quantity, weight, individual features and, if possible, their cost.

14. If during the search attempts were made to destroy or concealthe objects, documents and valuables, subject to seizure, the corresponding entry to this effect shall be made in the protocol with an indication of the taken measures.

15. A copy of the protocol shall be handed in to the person, in whose living quarters the search was made, or to an adult member of his family. If the search was carried out in the premises of an organization, a copy of the protocol shall be handed in against his signature to a representative of the administration of the corresponding organization.

16. The search may also be aimed at finding the wanted persons and the corpses.

Article 183. Grounds and Procedure for Making a Seizure

1. If it is necessary to seize certain objects and documents of importance for the criminal case, and if it is known exactly where they are and who is keeping them, their seizure shall be performed.

2. The seizure shall be carried out in accordance with the order established by Article 182 of the present Code, with the exceptions stipulated by the present Article.

3. The seizure of objects and documents which contain state secrets or other kinds of secrets protected by federal law, objects and documents containing information about deposits and accounts of individuals in banks and other credit institutions, and also things pawned or deposited in a pawnshop, shall be effected on the basis of a judicial decision rendered in the procedure established by Article 165 of this Code.

4. Abrogated.

5. Before the start of the seizure, the investigator shall suggest that the objects and the documents, subject to the seizure, be given out voluntarily, and if the refusal follows, he shall make the seizure under coercion.

6. In the event of the seizure of the pawned or deposited thing in the pawnshop it is necessary to notify the borrower or bailor within three days.

Article 184. Personal Search

1. If there are grounds for this, and in the procedure envisaged by the first and third parts of Article 182 of the present Code, a personal search of the suspect or of the accused shall be carried out to reveal and seize the objects and the documents which may prove to be of importance for the criminal case.

2. A personal search may be carried out in the absence of the corresponding resolution at the person's detention or putting into custody, and also if there are sufficient grounds to believe that the person, present at the premises or in another place where the search is being made, conceals on himself the objects or the documents, which may prove to be of importance to the criminal case.

3. The personal search of a person may be effected only by a person of the same sex and in the presence of the attesting witnesses and the specialists of the same sex, if they are taking part in the given investigative action.

Article 185. Putting under Arrest Postal and Telegraph Dispatches, Their Examination and Seizure

1. If there are sufficient grounds to suppose that objects, documents or information of importance for the criminal case may be contained in postal parcels or in other mail and telegraph dispatches, respectively, or in telegrams or radiograms, these may be put under arrest.

2. Postal and telegraph dispatches shall be put under arrest, examined and seized at the communications offices on the grounds of a court decision to be passed in accordance with the procedure, established by Article 165 of the present Code.

3. In the investigator's petition for putting under arrest the postal and telegraph dispatches and for performing their examination and seizure shall be pointed out:

1) the surname, name and patronymic, and the address of the person, whose postal and telegraph dispatches are to be detained;

2) the grounds for putting these under arrest, for their examination and seizure;

3) the kinds of the postal and telegraph dispatches, subject to an arrest;

4) the name of the communications office, to which is entrusted the duty to detain the corresponding postal and telegraph dispatches.

4. If the court adopts the decision on putting under arrest the postal and telegraph dispatches, its copy shall be directed to the corresponding communications office, which is ordered to detain the postal and telegraph dispatches and to immediately inform to this effect the investigator.

5. The examination, seizure and taking copies of the detained postal and telegraph dispatches shall be carried out at the corresponding communications office by the investigator with the participation of attesting witnesses from among the employees of the given office. If necessary, the investigator shall have the right to invite a specialist, as well as an interpreter for taking part in the examination and in the seizure of the postal and telegraph dispatches. In every case of examination of the postal and telegraph dispatches shall be compiled a protocol, in which it shall be pointed out by whom and what particular postal and telegraph dispatches were put under examination, were copied, forwarded to the address or detained.

6. The arrest of the postal and telegraph dispatches shall be cancelled by the investigator with an obligatory notification to this effect of the court, which has taken the decision on the arrest, and of the public prosecutor, when the need in this measure disappears, but not later than at the end of the preliminary inquisition on the given criminal case.

Article 186. Monitoring and Recording of Discussions

1. If there are sufficient grounds to suppose that telephone and other discussions of the suspect, of the accused or other persons may contain information of importance for the criminal case, their monitoring and recording shall be seen as admissible in the proceedings on the criminal cases on crimes of medium gravity, grave and especially grave crimes, on the grounds of a court decision to be adopted in accordance with the procedure, laid down by Article 165 of the present Code.

2. If there is a threat of the use of violence, extortion or other criminal actions with respect to the victim, to the witness or to their close relatives, relations and near persons, the monitoring and recording of telephone and other discussions shall be admissible upon a written application of said person, and if there is no such application - on the ground of a court decision.

3. In the public prosecutor's petition for the conducting of the monitoring and recording of telephone and other discussions shall be indicated:

1) the criminal case, in the procedure of which the application of the given measure is necessary;

2) the grounds, on which the given investigative action is carried out;

3) the surname, name and patronymic of the person, whose telephone and other discussions are subject to the monitoring and recording;

4) the term for the performance of the monitoring and recording;

5) the name of the body, to which is entrusted technical implementation of the monitoring and recording.

4. The public prosecutor shall direct the resolution on the monitoring and recording of telephone and other discussions for execution to the corresponding body.

5. The monitoring and recording of telephone and other discussions may be established for a term of up to six months. It shall be ended at the public prosecutor's resolution, if the need in the given measure disappears, but not later than after completing the preliminary inquisition on the given criminal case.

6. The public prosecutor shall have the right, in the course of the entire term of the monitoring and recording of telephone and other discussions, to demand from the body performing them a phonogram for an examination and hearing. It shall be handed over to the investigator as sealed and accompanied with a letter, in which shall be pointed out the dates and the time of the start and of the end of recording said discussions, and a brief description of the applied technical devices.

7. On the results of the examination and the hearing of the phonogram, the investigator with the participation of the attesting witnesses and, if necessary, of the specialist, as well as of the persons whose telephone and other discussions have been recorded, shall compile a protocol; in this protocol shall be recorded word for word that part of the phonogram, which in the investigator's opinion has a bearing on the given criminal case. The persons who were taking part in the examination and in the hearing of the phonogram, shall have the right, in the same protocol or another, to formulate their own remarks on the protocol.

8. The phonogram shall be in full volume enclosed to the criminal case materials on the ground of the investigator's resolution as demonstrative proof and shall be kept sealed up under the conditions,

precluding the possibility of the hearing and multiplying the phonogram by outsiders, and ensuring its safety and technical fitness for a repeated hearing, including that at a court session.

Chapter 26. Interrogation. Identification Line-Up. Identification. Verification of the Evidence

Article 187. Place and Time of an Interrogation

1. An interrogation shall be performed at the place of conducting the preliminary investigation. The investigator shall have the right, if he deems it necessary, to carry out an interrogation at the place of stay of the interrogated person.

2. An interrogation shall not be conducted for more than four hours running.

3. An interrogation shall be resumed after an interval of no less than one hour for a break and a meal; the total length of an interrogation in the course of one day shall not exceed eight hours.

4. If there exist some medical indications, the length of an interrogation shall be fixed on the ground of the doctor's conclusion.

Article 188. Procedure for the Summons to an Interrogation

1. The witness and the victim shall be summoned for an interrogation by a writ, in which it shall be pointed out who and in what capacity is summoned, to whom and at what address, the date and the hour appointed for the appearance at an interrogation, and the consequences of the failure to appear without a serious reason.

2. The writ shall be handed in to the person, who is summoned for an interrogation, against his signature, or it shall be forwarded to him with the use of the means of communication. If the person, summoned for an interrogation, is temporarily absent, the writ shall be given to an adult member of his family or shall be passed to the administration at the place of his work or, on the investigator's orders, to the other persons and organizations, who (which) shall be obliged to hand the writ over to the person, summoned for an interrogation.

3. The person, who is summoned for an interrogation, shall be obliged to come at the appointed time, or to notify the investigator in advance about the reasons for his being unable to come. If he fails to appear without any serious reasons, the person, summoned for an interrogation, may be brought forcibly, or towards him may be applied other measures of the procedural coercion, stipulated by Article 111 of the present Code.

4. A person who has not reached 16 years of age, shall be summoned for an interrogation through his legal representative or through the administration at the place of his work or studies. A different procedure

for the summons for an interrogation shall be admissible only if this is called forth by the criminal case circumstances.

5. A serviceman shall be summoned for an interrogation through the command of the military unit.

Article 189. General Rules for Conducting an Interrogation

1. Before an interrogation, the investigator shall fulfil the demands, stipulated by the fifth part of Article 164 of the present Code. If the investigator begins to doubt whether the interrogated person has a good command of the language in which the proceedings on the criminal case is conducted, he shall be obliged to find out in what language the interrogated person would prefer to give evidence.

2. It is inadmissible to give leading the questions to the interrogated person. Apart from this the investigator is free to select any tactics of interrogation.

3. The person under interrogation shall have the right to make use of documents and notes.

4. At the initiative of the investigator or at the request of the interrogated person, in the course of the interrogation may be performed the photographing, the audio and video recording and the cinema shooting, the materials of which shall be kept in the criminal case and shall be sealed after completing the preliminary investigation.

5. If the witness has come to an interrogation with a lawyer he has invited for giving him legal advice, the lawyer shall be present at the interrogation, and shall enjoy the rights provided for by Part Two of Article 53 of this Code. After the end of the interrogation, the lawyer shall have the right to make statements on the violations of the rights and the lawful interests of the witness. These statements shall be entered into the protocol of the interrogation.

Article 190. Protocol of an Interrogation

1. The process and the results of an interrogation shall be reflected in a protocol to be compiled in conformity with Articles 166 and 167 of the present Code.

2. The testimony of the interrogated person shall be written down as rendered in the first person and, if possible, word for word. The questions and the answers to them shall be written down in that sequence, which was observed in the course of the interrogation. Into the protocol shall be entered all the questions, including those rejected by the investigator and those to which the interrogated person has refused to answer, with an indication of the reasons behind the rejection or the refusal.

3. If in the course of the interrogation, the witness was presented with demonstrative proof and documents, protocols of other investigative actions or materials of audio and/or video recording or cinema shooting of the investigative actions, the corresponding entry shall be made about this

in the protocol of the interrogation. In the protocol shall also be reflected the evidence of the interrogated person, which he gave after this.

4. If in the course of the interrogation were carried out the photographing, the audio and/or video recording and the cinema shooting, the protocol shall also contain:

1) an entry on the performance of the photographing, the audio and/or video recording and the cinema shooting;

2) information on the technical devices, on the conditions of the photographing, of the audio and/or video recording and of the cinema shooting, and on the fact of suspending the audio and/or video recording and the cinema shooting, as well as on the reason for, and on the duration of the suspension of these;

3) the applications of the interrogated person concerning the performance of the photographing, of the audio and/or video recording and of the cinema shooting;

4) the signatures of the interrogated person and of the investigator, certifying the correctness of the protocol.

5. The interrogated person shall have the right in the course of the interrogation to prepare maps, drafts, drawings and diagrams, which shall be enclosed to the protocol, about which the corresponding note shall be made in it.

6. After the end of the interrogation, the protocol shall be submitted to the interrogated person for reading, or it shall be read for him at his request by the investigator, about which the corresponding note shall be made in the protocol. The interrogated person's petition for an addition to be made to, and on the specification of the protocol shall by all means be satisfied.

7. In the protocol shall be named all the persons, who have participated in the interrogation. Every one of them shall be obliged to sign the protocol, as well as all the addenda and the specifications made in it.

8. The interrogated person shall certify the fact of getting acquainted with the evidence and the correctness of its recording with his signature, to be put at the end of the protocol. The interrogated person shall also sign every sheet of the protocol.

9. Refusal to sign the protocol of the interrogation or the impossibility to sign it on the part of the persons who have taken part in the interrogation, shall be certified in the order, established by Article 167 of the present Code.

Article 191. Specifics in an Interrogation of a Minor Victim or Witness

1. The interrogation of a victim or witness, aged less than fourteen years of age, and at the investigator's discretion also an interrogation of the victim or of the witness, aged from fourteen to eighteen years of age, shall be conducted with the participation of a pedagogue. At the interrogation of a minor victim or witness his legal representative shall also have the right to attend.

2. Victims and witnesses, aged less than sixteen years, shall not be warned about their liability for refusal to give evidence and for giving a deliberately false evidence. When explaining to the said victims and witnesses their procedural rights, stipulated by Articles 42 and 56 of the present Code, respectively, the necessity to tell the truth shall be pointed out to them.

Article 192. Identification Line-Up

1. If there are essential contradictions in the testimony of earlier interrogated persons, the investigator shall have the right to carry out an identification line-up. An identification line-up shall be carried out in conformity with Article 164 of the present Code.

2. The investigator shall find out from the persons, between whom an identification line-up is carried out, whether they know each other and what is their relationship. The interrogated persons shall be suggested to give evidence on the circumstances, for the sake of whose elucidation the identification line-up is being conducted, in turn. After the evidence is given, the investigator may put questions to every one of the interrogated persons. The persons, between whom the line-up is carried out, may also put questions to one another with the investigator's permission.

3. The investigator shall have the right to present demonstrative proof and documents in the course of the identification line-up.

4. A declaration of the interrogated persons' testimony, contained in the protocols of the previous interrogations, as well as the reproduction of the audio and/or video recording and of the cinema shooting shall be admissible only after the said persons have given evidence, or after they have refused to give evidence at the identification line-up.

5. The evidence of the interrogated persons shall be written in the protocol of the identification line-up in the same sequence as it was given. Each interrogated person shall sign his own evidence, every sheet of the protocol and the protocol as a whole.

6. If a witness appears for a confrontation accompanied by a lawyer invited by him/her for rendering legal aid, the lawyer shall participate in the confrontation and shall enjoy the rights provided for by Part Two of Article 53 of this Code.

Article 193. Presenting for an Identification

1. The investigator may present for an identification the person or the object to the witness, to the victim, to the suspect or to the accused. A corpse may also be presented for an identification.

2. The identifying persons shall be at first interrogated about the circumstances, under which they have seen the person or the object, presented for an identification, as well as about the features and the specific characteristics, by which they can identify these.

3. A repeated identification of a person or of an object by the same identifying person and by the same features shall be inadmissible.

4. The person shall be presented for an identification together with the other persons, if possible, of a similar appearance. The total number of the persons, presented for an identification, shall not be less than three. This rule shall not be spread to the identification of a corpse. Before the start of the identification, the person being identified shall be offered to occupy any place he likes among the other presented persons, about which the corresponding entry shall be made in the protocol of identification.

5. If it is impossible to present the person, the identification may be carried out by his photograph, to be presented among the photographs of other persons, having a similar appearance to the identified person. The number of the photographs shall not be less than three.

6. An object shall be presented for an identification in a group of homogeneous objects, not less than three in number. If it is impossible to present the object, its identification shall be carried out in accordance with the procedure, established in the fifth part of this Article.

7. If the identifying person has pointed to one of the persons presented to him, or to one of the presented objects, the identifying person shall be requested to explain, by what characteristic features or peculiarities he has identified the given person or object. To ask him leading questions shall be inadmissible.

8. For the purpose of ensuring the security of the identifying person, the presentation of the person for an identification may be carried out, at the investigator's decision, under the conditions, precluding the visual observation of the identifying person by the identified one. In this case, the attesting witnesses shall also be placed at the side of the identifying person.

9. After the identification is completed, a protocol shall be compiled in conformity with Articles 166 and 167 of the present Code. In the protocol shall be indicated the conditions and the results of the identification; the explanations, provided by the identifying person, shall be reflected, if possible, word for word. If the presentation of the person for an identification has taken place under the conditions, precluding the visual observation of the identifying person by the identified one, this shall also be reflected in the protocol.

Article 194. Verification of the Evidence on the Spot

1. To establish the new circumstances of importance for the criminal case, the evidence, given at an earlier date by the suspect or by the accused, as well as by the victim or by the witness, may be verified or specified at the place connected with the investigated event.

2. Verification of the evidence on the spot shall amount to the procedure, during which the earlier interrogated person reproduces on the spot the situation and the circumstances of the investigated event, points

out the objects, the documents and the traces of importance for the criminal case, and demonstrates certain actions. Any outside interference with the process of verification or any leading questions shall be inadmissible.

3. A simultaneous verification on the spot of the evidence of several persons shall be inadmissible.

4. The verification of the testimony shall be started with the suggestion that the person show the place where his testimony is going to be verified. After he freely tells the story and demonstrates the actions, the person, whose evidence is being checked up, may be asked questions.

Chapter 27. Carrying Out a Court Examination

Article 195. Procedure for the Appointment of a Court Examination

1. Having recognized the need for the appointment of a court examination, the investigator shall pass a resolution to this effect, and in the cases envisaged by Item 3 of the second part of Article 29 of the present Code, he shall file a petition with the court, in which he shall point out:

1) the grounds for an appointment of a court examination;

2) the surname, name and patronymic of the expert or the name of the expert institution in which the court examination is to be carried out;

3) the questions raised before the expert;

4) the materials placed at the expert's disposal.

2. The court examination shall be carried out by the state legal expert from among the persons, possessing the special knowledge.

3. The investigator shall acquaint the suspect, the accused and his counsel for the defence with the resolution on the appointment of a court examination and shall explain to them their rights, stipulated by Article 198 of the present Code. About this shall be compiled a protocol, which shall be signed by the investigator and by the persons he has informed about the resolution.

4. The court examination with respect to the victim, with the exception of the cases, stipulated by Items 2 4 and 5 of Article 196 of the present Code, as well as with respect to the witness, shall be carried out with their consent or with the consent of their legal representatives, which shall be given by the said persons in writing.

Article 196. Obligatory Appointment of a Court Examination

An appointment and the performance of a court examination shall be obligatory, if it is necessary to establish:

1) the causes of the death;

2) the character and the extent of the damage inflicted upon the health;

3) the mental or the physical state of the suspect or of the accused, if a doubt arises concerning his sanity or his capability to independently defend his rights and lawful interests in the criminal court proceedings;

4) the mental or the physical state of the victim, if a doubt arises concerning his capability to correctly comprehend the circumstances of importance for the criminal case, and to give evidence;

5) the age of the suspect, of the accused or of the victim, if this is of importance for the criminal case, while the documents confirming his age are absent or arise doubts.

Article 197. Investigator's Presence at the Performance of a Court Examination

1. The investigator shall have the right to be present at the performance of a court examination and to receive the expert's explanations about the actions the latter is carrying out.

2. The fact of the investigator's presence in the performance of a court examination shall be reflected in the expert's conclusion.

Article 198. Rights of the Suspect, the Accused, the Victim and of the Witness in an Appointment and the Performance of a Court Examination

1. If a court examination is appointed and carried out, the suspect, the accused and his counsel for the defence shall have the right:

1) to get acquainted with the resolution on an appointment of a court examination;

2) to file an objection to the expert or a petition for performing the court examination in another expert institution;

3) to lodge a petition for an involvement in the capacity of experts of the persons he names, or for the performance of the court examination in the concrete expert institution.

4) to file a petition for an introduction into the resolution on an appointment of a court examination additional questions to the expert;

5) to be present, with the investigator's permission, at the performance of the court examination and to give explanations to the expert;

6) to get acquainted with the expert's conclusion or communication about it being impossible to make a conclusion and also with the protocol of the expert's interrogation.

2. The witness and the victim, with respect to whom the court examination was carried out, shall have the right to get acquainted with the expert's conclusion. The victim shall also enjoy the rights, stipulated by Items 1 and 2 of the first part of this Article.

Article 199. Procedure for Forwarding the Criminal Case Materials for Carrying Out a Court Examination

1. If a court examination is to be carried out at an expert institution, the investigator shall direct to the head of the corresponding expert institution the resolution on the appointment of the court examination and the materials necessary for its performance.

2. After receiving the resolution, the head of the expert institution shall entrust the carrying out of the court examination to a concrete expert or to several experts from among the workers of this institution and shall notify about this the investigator. While doing this, the head of the expert institution, with the exception of the head of the state forensic expert institution, shall explain to the expert his rights and responsibility, stipulated by Article 57 of the present Code.

3. The head of the expert institution shall have the right to return the resolution on the appointment of a court examination and the materials submitted for its performance without execution, if in the given institution there is no expert of the concrete profile, or if there are no special conditions required for carrying out the necessary studies, while pointing out the motives, on account of which this return is effected.

4. If the court examination is performed outside the expert institution, the investigator shall hand over the resolution and the necessary materials to the expert and shall explain to him his rights and responsibility, stipulated by Article 57 of the present Code.

5. The expert shall have the right to return the resolution without execution, if the supplied materials are insufficient for the performance of the court examination, or if he thinks that the knowledge he possesses is inadequate for carrying it out.

Article 200. Commission Court Examination

1. A commission court examinationshall be carried out by at least two experts of the same speciality. The commission character of an expertise shall be determined by the investigator or by the head of the expert institution which is ordered to perform the court examination.

2. If the experts' opinions on the results of the carried out studies on the raised questions coincide, they shall compile a single conclusion. If there arise a difference of opinions, every expert who has taken part in the performance of the court examination, shall give out a separate conclusion on the questions which have caused the difference of opinions.

Article 201. Complex Court Examination

1. A court examination, in the performance of which the experts of different specialities are taking part, shall be seen as a complex one.

2. In the conclusion of the experts, participating in the performance of a complex court examination, it shall be pointed out what studies and in what volume have been conducted by every expert, what facts he has established and at what conclusions he has arrived. Every expert, who has taken part in the performance of a complex court examination, shall sign

that part of the conclusion, which contains a description of the studies he has carried out, and shall be held responsible for this part.

Article 202. Receiving Samples for a Comparative Study

1. The investigator shall have the right to receive the samples of the handwriting and the other samples for a comparative study from the suspect and from the accused, as well as from the witness or from the victim, if there has arisen the need to verify whether they have left traces at a certain place or on the demonstrative proof, and to compile a protocol in conformity with Articles 166 and 167 of the present Code, with the exception of the demand for the participation of attesting witnesses.

2. In obtaining the samples for a comparative study, the methods presenting a threat to the life and health of a person or humiliating his honour and dignity, shall not be applied.

3. The investigator shall pass a resolution on the receipt of the samples for a comparative study. If necessary, the samples shall be obtained with the participation of specialists.

4. If the receipt of the samples for a comparative study is a part of a court examination, this shall be performed by the expert. In this case, the expert shall reflect information on the performance of the said action in his conclusion.

Article 203. Placement into a Medical or Psychiatric Stationary Hospital for Carrying Out a Court Examination

1. If in case of an appointment of the forensic-medical or of the forensic-psychiatric expertise the need arises for a stationary examination of the suspect or of the accused, he may be placed into a medical or a psychiatric stationary hospital.

2. The suspect or the accused, who is not held in custody, shall be placed into a medical or into a psychiatric stationary hospital for carrying out the forensic-medical or the forensic-psychiatric expertise on the ground of the court decision to be adopted in the order, stipulated by Article 165 of the present Code.

3. If the suspect or the accused is placed into a psychiatric stationary hospital for the performance of the forensic-psychiatric expertise, the term within which against him shall be brought the charge in conformity with Article 172 of the present Code, shall be interrupted untill the receipt of the conclusion of the experts.

Article 204. Expert's Conclusion

1. In the expert's conclusion shall be pointed out:

1) the date, time and place of the performance of the court examination;

2) the ground for the performance of the court examination;

3) the official person, who has appointed the court examination;

4) information on the expert institution, as well as the surname, name and patronymic of the expert, his education, speciality, work record, academic degree and/or academic status, and the occupied post;

5) information on the expert's being warned about his responsibility for giving out a deliberately false conclusion;

6) the questions put to the expert;

7) the objects of the studies and the materials, supplied for the performance of the court examination;

8) the data on the persons, attending the performance of the court examination;

9) the content and the results of the studies, with an indication of the applied methods;

10) the conclusions on the questions put to the expert and the substantiation thereof.

2. If while carrying out the court examination the expert establishes the circumstances of importance for the criminal case about which no questions were raised before him, he shall have the right to mention these in his conclusion.

3. The materials, illustrating the expert's conclusion (the photographs, schemes, plans, etc.), shall be enclosed to the conclusion and shall be seen as its component part.

Article 205. Interrogation of the Expert

1. The investigator shall have the right, at his own initiative or at the petition from the persons, named in the first part of Article 206 of the present Code, to interrogate the expert for an elucidation of the conclusion he has issued. The expert's interrogation till he has given the conclusion shall be inadmissible.

2. The expert shall not be interrogated about the information he has obtained in connection with the performance of the court examination, if this has no bearing on the object of the court examination in question.

3. The protocol of the expert's interrogation shall be compiled in conformity with Articles 166 and 167 of the present Code.

Article 206. Presentation of the Expert's Conclusion

1. The expert's conclusion or his communication on the impossibility of giving out the conclusion, as well as the protocol of the expert's interrogation shall be submitted by the investigator to the suspect, the accused and his counsel for the defence, to all of whom shall in this case be explained the right to file petitions for an appointment of an additional or a repeated court examination.

2. If the court examination was carried out at the petition of the victim or with respect to the victim and/or the witness, the expert's conclusion shall also be presented to them.

Article 207. Additional and Repeated Court Examinations

1. If the expert's conclusion is not sufficiently clear or full, and also if new questions have arisen with respect to the earlier studied circumstances of the criminal case, an additional court examination may be appointed, the carrying out of which shall be entrusted either to the same, or to another expert.

2. If any doubts arise as to the substantiation of the expert's conclusion, or if there exist contradictions in the conclusion of the expert or of the experts, a repeated examination may be appointed on the same questions, the performance of which shall be entrusted to another expert.

3. An additional and a repeated examination shall be appointed and carried out in conformity with Articles 195-205 of the present Code.

Chapter 28. Suspension and Resumption of the Preliminary Investigation

Article 208. Grounds, Procedure and Deadlines for the Suspension of the Preliminary Investigation

1. The preliminary investigation shall be suspended, if there exists one of the following grounds:

1) the person, subject to an involvement in the capacity of the accused, has not been identified;

2) suspected of or charged with has fled from the investigation, or the place of his stay is not established for other reasons;

3) the place of the stay of the suspected of or accused is known, but there is no realistic possibility of his taking part in the criminal case;

4) a temporary serious illness of the suspected of or accused, certified with a medical conclusion, interferes with his participation in the investigative or other procedural actions.

2. The investigator shall pass a resolution on the suspension of the preliminary investigation, a copy of which he shall direct to the public prosecutor.

3. If two or more accused are involved in the criminal case, while the grounds for the suspension do not concern all of them, the investigator shall have the right to set apart into a separate procedure and to suspend the criminal case with respect to some of the accused persons.

4. The preliminary investigation shall be suspended on the grounds, stipulated by Items 1 and 2 of the first part of the present Article, only after its time term expires. The preliminary investigation may also be suspended, on the grounds envisaged by Items 3 and 4 of the first part of the present Article, before an expiry of its term.

5. Until the preliminary investigation is suspended, the investigator shall perform all investigative actions, the performance of which is possible in the absence of the suspect or of the accused, and shall take measures

for his search or for an identification of the person who has committed the crime.

Article 209. Investigator's Actions After Suspending the Preliminary Investigation

1. Having suspended the preliminary investigation, the investigator shall notify to this effect the victim and his representative, the civil claimant, the civil defendant or their representatives and shall simultaneously explain to them the order for filing an appeal against the given decision. If the preliminary investigation is suspended on the grounds, stipulated by Items 3 and 4 of the first part of Article 208 of the present Code, the suspect, the accused and his counsel for the defence shall also be informed about this.

2. After the suspension of the preliminary investigation, the investigator shall:

1) in the case, stipulated by Item 1 of the first part of Article 208 of the present Code, take measures for establishing the person to be involved in the capacity of the suspect or of the accused;

2) in the case, stipulated by Item 2 of the first part of Article 208 of the present Code, establish the place of stay of the accused and if he has fled, take measures aimed at searching for him.

3. After the preliminary investigation is suspended, the performance of investigative actions shall be inadmissible.

Article 210. Search for the Suspect, the Accused

1. If the place of stay of the suspect, the accused is not known, the investigator shall entrust the search for him to the bodies of inquiry, about which he shall make a note in the resolution on the suspension of the preliminary investigation or shall adopt a separate resolution.

2. The search for the suspect, the accused may be announced both during the performance of the preliminary investigation and simultaneously with its suspension.

3. In the event of revealing the accused, he/she may be detained in the procedure established by Chapter 12 of this Code.

4. If there exist the grounds, mentioned in Article 97 of the present Code, with respect to the accused may be taken a measure of restriction. In the cases, stipulated by Article 108 of the present Code, a measure of restriction may be selected in the form of taking into custody.

Article 211. Resumption of the Suspended Preliminary Investigation

1. The preliminary investigation shall be resumed on the basis of the investigator's resolution after:

1) the grounds for its suspension have disappeared;

2) the need for the performance of investigative actions, which may be carried out without the participation of the suspect, the accused, has arisen.

2. The suspended preliminary investigation may also be resumed on the basis of the resolution of the chief of an investigatory agency on account of the cancellation of the corresponding resolution of the investigator.

3. The suspect, the accused, his counsel for the defence, the victim and his representative, the civil claimant, the civil defendant and their representatives, as well as the public prosecutor shall be informed about the resumption of the preliminary investigation.

Chapter 29. Termination of a Criminal Case

Article 212. Grounds for the Termination of a Criminal Case and of the Criminal Prosecution

1. The criminal case and the criminal prosecution shall be terminated, if there exist the grounds stipulated by Articles 24-28 of the present Code.

2. If a criminal case is terminated on the grounds stipulated by Items 1 and 2 of the first part of Article 24 and by Item 1 of the first part of Article 27 of the present Code, the investigator or the public prosecutor shall take measures, envisaged the measures for rehabilitating a person set out in Chapter 18 of the present Code.

Article 213. Resolution on the Termination of a Criminal Case and of the Criminal Prosecution

1. A criminal case shall be terminated in accordance with the resolution of the investigator, a copy of which shall be directed to the public prosecutor.

2. In the resolution shall be pointed out:

1) the date and the place of passing it;

2) the post, the surname and the initials of the person who has passed it;

3) the circumstances, which have served as a reason and the ground for the institution of the criminal case;

4) the Item, part and Article of the Criminal Code of the Russian Federation dealing with the crime, on the signs of which the criminal case was instituted;

5) the results of the preliminary investigation with an indication of the data on the persons, with respect to whom the criminal prosecution was conducted;

6) the applied measure of restriction;

7) the Item, part and Article of the present Code, on the ground of which the criminal case and/or the criminal prosecution is terminated;

8) the decision on cancelling the measure of restriction and the arrest of the property and of the correspondence, a temporary dismissal from the post, the monitoring and the recording of the discussions;

9) the decision on the demonstrative proof;

10) the procedure for filing an appeal against the given resolution.

3. If in conformity with the present Code the termination of the criminal case is admissible only with the consent of the accused or of the victim, the existence of such consent shall be reflected in the resolution.

4. The investigator shall hand in or forward a copy of the resolution on the termination of the criminal case to the person, with respect to whom the criminal prosecution is terminated, to the victim, to the civil claimant and to the civil defendant. To the victim and to the civil defendant shall in this case be explained the right to lodge a claim by way of the civil court procedure, if the criminal case is terminated on the grounds, stipulated by Items 2 - 6 of the first part of Article 24, by Article 25, by Items 2 - 7 of the first part of Article 27 and by Article 28 of the present Code.

5. If the grounds for the termination of the criminal prosecution concern not all the suspects or the accused on the criminal case, the investigator shall pass the resolution in conformity with Article 27 of the present Code on the termination of the criminal prosecution with respect to the concrete person. In this case, the proceedings on the criminal case shall be continued.

Article 214. Cancelling the Resolution on Terminating a Criminal Case or the Criminal Prosecution

1. Having recognised the investigator's decision on termination of a criminal case or of the criminal prosecution as illegal or ill-founded, the prosecutor shall issue a reasoned decision on sending the appropriate materials to the chief of an investigatory agency for resolving the issue of canceling the decision on termination of the criminal case. Having recognised the decision of an inquirer on termination of a criminal case as illegal or ill-founded, the prosecutor shall cancel it and resume the criminal proceedings. Having recognised the decision of an investigator on termination of a criminal case as illegal or ill-founded, the chief of an investigatory agency shall cancel it and shall resume the criminal proceedings.

2. If the court recognizes the investigator's resolution on the termination of a criminal case or of the criminal prosecution as illegal or as ungrounded, it shall pass in the procedure stipulated by Article 125 of the present Code, the corresponding decision and shall direct it to to the chief of an investigatory agency for execution.

3. The proceedings in compliance with Articles 413 and 414 of this Code in respect of a previously terminated criminal case may be resumed if the period of limitation for making a person criminally liable has not expired.

4. Decision on the resumption of the proceedings on the criminal case shall be brought to the knowledge of the persons, pointed out in the third part of Article 211 of the present Code.

Chapter 30. Forwarding a Criminal Case with the Conclusion of Guilt to the Prosecutor

Article 215. Completing a Preliminary Investigation with the Conclusion of Guilt

1. Having recognized that all investigative actions on the criminal case have been performed and the collected proof are sufficient for compiling the conclusion of guilt, the investigator shall notify to this effect the accused and shall explain to him his right, stipulated by Article 217 of the present Code, to get acquainted with all the materials of the criminal case both personally and with the assistance of the counsel for the defence and of his legal representative, about which a protocol shall be compiled in conformity with Articles 166 and 167 of the present Code.

2. The public prosecutor shall notify about the end of the investigative actions the counsel for the defence and the legal representative of the accused, if these are taking part in the criminal case, as well as the victim, the civil claimant, the civil defendant and their representatives.

3. If the counsel for the defence and the legal representative of the accused or the representative of the victim, of the civil claimant or of the civil defendant cannot come for getting acquainted with the criminal case materials at the appointed time, the investigator shall put off this acquaintance for a term of not over five days.

4. If the counsel for the defence, selected by the accused, cannot come for getting acquainted with the criminal case materials, the investigator shall have the right, after an expiry of five days, to suggest to the accused that he select another counsel for the defence, or, on the ground of a petition from the accused, shall take measures for the attendance of another counsel for the defence. If the accused refuses the appointed counsel for the defence, the investigator shall have the right to present to him the criminal case materials for getting acquainted with them without the participation of the counsel for the defence, with the exception of the cases, when the participation of the counsel for the defence in the criminal case is obligatory in conformity with Article 51 of the present Code.

5. If the accused, who is not held in custody, does not come for getting acquainted with the criminal case materials or if he evades such acquaintance, the investigator shall compile the conclusion of guilt and shall direct the materials of the criminal case to the public prosecutor after an expiry of five days from the day of announcing the end of the investigative actions or from the day, when the other participants in the criminal court proceedings indicated in the second part of the present Article, have completed getting acquainted with the criminal case materials.

Article 216. Getting Acquainted with the Criminal Case Materials by the Victim, Civil Claimant, Civil Defendant and Their Representatives

1. Upon a petition from the victim, the civil claimant, the civil defendant and their representatives, the investigator shall acquaint these persons with the criminal case materials fully or in part. The civil claimant,

the civil defendant or their representatives shall get acquainted with the criminal case materials in the part that concerns the civil claim.

2. The acquaintance shall be conducted in accordance with the procedure, established by Article 217 of the present Code.

Article 217. Getting Acquainted with the Criminal Case Materials by the Accused and by His Counsel for the Defence

1. After fulfilling the demands of Article 216 of the present Code, the investigator shall present to the accused and to his counsel for the defence the sewn-up and enumerated materials of the criminal case, with the exception of the cases, envisaged by the ninth part of Article 166 of the present Code. For such acquaintance shall also be submitted the demonstrative proof and, at the request of the accused or of his counsel for the defence, the photographs, the audio and/or video recordings, the cinema shootings and the other enclosures to the protocols of the investigative actions. Where it is impossible to present exhibits, the investigator shall render a decision on it. Upon a petition from the accused and from his counsel for the defence, the investigator shall provide for them an opportunity to get acquainted with the criminal case materials separately. If several accused are involved in the proceedings on the criminal case, the sequence of presenting the criminal case materials to them and to their counsels for the defence shall be established by the public prosecutor.

2. In the process of getting acquainted with the criminal case materials consisting of several volumes, the accused and his counsel for the defence shall have the right to turn to any one volume of the criminal case repeatedly, to write out any information and in any volume, and also to take the copies of the documents, including with the use of technical devices. The copies of the documents and the excerpts from the criminal case, in which is contained the information presenting the state or other kinds of secrets protected by the federal law, shall be kept in the criminal case file and shall be submitted to the accused and to his counsel for the defence during the court proceedings.

3. The accused and his counsel for the defence cannot be restricted in the time necessary for familiarization with the materials of the criminal case. If the accused held in custody and his/her counsel clearly temporize the familiarization with the criminal case materials, then on the basis of the judicial decision rendered in the procedure established by Article 125 of this Code there shall be fixed a definite term for familiarization with the materials of the criminal case. If the accused and his/her counsel have not familiarized themselves with the materials of the criminal case within the time period fixed by the court without sound reasons for doing so, the investigator shall be entitled to decide on termination of the given procedural action, and in this respect the investigator shall render an appropriate decision and shall make a note of it in the record of

familiarization of the accused and of his/her defense counsel with the materials of the criminal case.

4. After the accused and his counsel for the defence have completed their acquaintance with the criminal case materials, the investigator shall find out what kind of petitions or other applications they are going to file. In this case, it shall also be found out from the accused and from his counsel for the defence, what witnesses, experts and specialists shall be summoned to the court session for an interrogation and for the confirmation of the position of the party of the defence.

5. The investigator shall explain to the accused his right to file a petition:

1.1) for trying the criminal case by a court chamber consisting of three judges of a federal court of general jurisdiction - in the instances provided for by Item 3 of Part Two of Article 30 of this Code;

1) for an examination of the criminal case by a court with the participation of jurors - in the cases, stipulated by Item 1 of the third part of Article 31 of the present Code. In this case, the investigator shall explain the specifics of consideration of the criminal case by this court, the rights of the accused during the court proceedings and the procedure for filing an appeal against the court decision. If one or several accused reject the court with the participation of jurors, the investigator shall resolve the question on setting apart the criminal cases with respect to these accused into a separate procedure. If it is impossible to sever the criminal case for a separate procedure, the criminal case as a whole shall be considered by a court with the participation of jurors;

2) for the application of a special order of the court proceedings - in the cases stipulated by Article 314 of the present Code;

3) for carrying out preliminary hearings - in the cases stipulated by Article 229 of the present Code.

Article 218. Protocol of Getting Acquainted with the Criminal Case Materials

1. After the accused and his counsel for the defence have completed getting acquainted with the criminal case materials, the investigator shall compile a protocol in conformity with Articles 166 and 167 of the present Code. In the protocol shall be pointed out the dates of the start and the end of getting acquainted with the criminal case materials, the filed petitions and the other applications.

2. Into the protocol shall be made an entry on the fact of explaining to the accused his right, stipulated by the fifth part of Article 217 of the present Code, and shall be reflected his desire to avail himself of this right or to refuse it.

Article 219. Resolving a Petition

1. If the petition lodged by one of the participants in the criminal case proceedings, is satisfied, the investigator shall make an addendum to the criminal case materials, which shall not interfere with getting acquainted with the criminal case materials by other participants.

2. After the end of carrying out additional investigative actions, the investigator shall notify to this effect the persons, named in the first part of Article 216 and in the first part of Article 217 of the present Code, and shall provide for them an opportunity to get acquainted with the additional materials of the criminal case.

3. If the satisfaction of the filed petition is refused fully or in part, the investigator shall pass a resolution to this effect, which shall be brought to the applicant's knowledge. In this case, to the latter shall be explained the order for filing an appeal against the given resolution.

Article 220. Conclusion of Guilt

1. In the conclusion of guilt, the investigator shall point out:

1) the surnames, first names and patronymics of the accused person or persons;

2) personal data on each of them;

3) the substance of the accusation, the place and the time of committing the crime, its methods, motives, goals and consequences, as well as the other circumstances of importance for the given criminal case;

4) the formulation of the made charge with an indication of the Item, part and Article of the Criminal Code of the Russian Federation, stipulating responsibility for the given crime;

5) the list of the proof, confirming the charge;

6) the list of the proof, to which the party of the defence refers;

7) the circumstances, mitigating and aggravating the punishment;

8) the data on the victim and on the character and the size of the damage, inflicted upon him by the crime.

9) information on the civil plaintiff and civil the accused.

2. The conclusion of guilt shall contain references to the volumes and the sheets of the criminal case.

3. The conclusion of guilt shall be signed by the investigator with an indication of the place and the date of compiling it.

4. To the conclusion of guilt shall be enclosed the list of the persons to be summoned to the court session on the side of the accusation and on the side of the defence, with an indication of their place of residence and/or of their actual place of stay.

5. To the conclusion of guilt shall also be enclosed a reference note on the time terms of the investigation, on the selected measures of restriction with an indication of the time of being kept in custody and under the home arrest, on the demonstrative proof, on the civil claim, on the measures launched to provide for the civil claim and for the probable confiscation of the property, and on the procedural outlays, and if the

accused or the victim has dependents - on the measures taken to guarantee their rights. In the reference note shall be pointed out the corresponding sheets of the criminal case.

6. After the investigator has signed the conclusion of guilt, the criminal case shall be immediately forwarded to the public prosecutor. In the cases envisaged by Article 18 of the present Code, the investigator shall provide for a translation of the conclusion of guilt.

Chapter 31. Prosecutor's Actions and Decisions on a Criminal Case, Resulting in a Conclusion of Guilt

Article 221. Prosecutor's Decision on a Criminal Case

1. The prosecutor shall consider the criminal case with the bill of particulars received from the investigator and within ten days shall take on it one of the following decisions:

1) on the approval of the bill of particulars and on forwarding the criminal case to the court.

2) on sending the criminal case back to the investigator for him to conduct an additional investigation, to change the extent of charge or the qualification of actions of accused persons or to draw anew the bill of particulars and to eliminate the exposed defects, with the prosecutor's written directions attached thereto;

3) on forwarding the criminal case to a superior prosecutor for approval of the bill of particulars, if it is within the scope of authority of a superior court.

2. Upon finding that the investigator has failed to comply with the requirements of Part Five of Article 109 of this Code and the maximum term for holding the accused person in custody has expired, the public prosecutor shall reverse the measure of restriction.

3. In the cases provided for by Items 2 and 3 of Part One of this article, the prosecutor shall render a reasoned decision.

4. The prosecutor's decision on sending a criminal case to the investigator may be appealed against by him/her with the consent of the chief of an investigatory agency to a superior prosecutor or, if there is disagreement with the decision of the latter, to the Prosecutor General of the Russian Federation with the consent of the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation or of the chief of the investigatory agency of the appropriate federal executive power body (under the federal executive power body). The superior prosecutor within 72 hours as of the time of receiving the appropriate materials shall issue one of the following decisions:

1) to reject the investigator's appeal;

2) to reverse the decision of the junior prosecutor. In this case, the superior prosecutor shall approve the bill of particulars and send the criminal case to court.

5. The appeal against the prosecutor's decision cited in Item 2 of Part One of this article which is made in the procedure established by Part Four of this article shall suspend execution thereof.

Article 222. Forwarding the Criminal Case to the Court

1. After endorsing the bill of indictment the prosecutor shall forward the criminal case to a court of law and shall notify the accused, his/her counsel, the victim, the civil claimant, the civil defendant and/or representatives thereof of it explaining to them their right to lodge a petition for holding a preliminary hearing in the procedure established by Chapter 15 of this Code.

2. A copy of the bill of indictment with annexes thereto shall be handed to the accused by the prosecutor. Copies of the bill of indictment shall be likewise handed to the defence counsel and to the victim, if they petition for such.

3. If the accused is kept in custody, a copy of the bill of indictment with annexes thereto shall be handed to him on the instructions of the prosecutor by the administration of the place of detention against his/her receipt which shall be presentable to the court with an indication of the time and date of its delivery.

4. If the accused refuses to accept a copy of the bill of indictment, or has not appeared, when summoned, or has avoided receiving a copy of the bill of indictment in any other way, the prosecutor shall forward the criminal case to the court with an indication of the reasons why a copy of the bill of indictment has not been handed to the accused.

Chapter 32. The Inquest

Article 223. Procedure and Term for the Inquiry

1. The preliminary investigation in the form of an inquiry shall be performed in accordance with the procedure established by Chapters 21, 22 and 24-29 of the present Code, with the exemptions set out in the present chapter.

2. The inquiry shall be carried out on the criminal cases specified in Part 3 of Article 150 of the present Code when criminal action is brought.

3. The inquiry shall be conducted within 30 days from the day of the initiation of a criminal case. If necessary, this period may be prolonged by the procurator for up to 30 days.

3.1. The suspension of an inquiry may be resumed on the basis of the decision of a public prosecutor or the head of an inquiry unit as provided for by Article 211 of this Code.

4. If necessary, including when a forensic expert examination is conducted, the period of an inquiry stipulated by Item three of this Article may be prolonged by the procurator of the district, city, the equivalent military procurator and their deputies for up to six months.

5. In exceptional cases connected with the fulfilment of a request of legal aid sent in the procedure stipulated by Article 453 of this Code, the period of an inquiry may be prolonged by the procurator of the entity of the Russian Federation and the equivalent military procurator for up to 12 months.

Article 223.1. Notification abut Being Suspected of Committing a Crime

1. If a criminal case has been initiated by a fact of commission of a crime and in the course of the inquiry there have been obtained sufficient data giving grounds to suspect a person of having committed the crime, then the inquirer shall draw up a written notification about being suspected of commission of the crime, whose copy he shall serve to the suspect and shall explain to him a suspect's rights stipulated by Article 46 of this Code, about which a report shall be drawn up with a note about the serving of a copy of the notification. Within three days from the moment of serving to the person of the notification about being suspected of commission of the crime, the inquirer must question the suspect on the merits of the suspicion.

2. In a notification about being suspected of committing a crime, there must be indicated:

1) the date and place of its drawing up;

2) the surname and initials of the person who has drawn it up;

3) the surname, first name and patronymic of the suspect, the day, month and year of his birth;

4) a description of the crime with indication of the place and time of its commission and also of the circumstances which must be proved in accordance with Points 1 and 4 of Item one of Article 73 of this Code;

5) the point, item and article of the Criminal Code of the Russian Federation stipulating the responsibility for the given crime.

3. In the presence of data giving grounds to suspect a person in the commission of several crimes stipulated by different points, items and articles of the Criminal Code of the Russian Federation, in the notification about being suspected in committing a crime there must be indicated in the commission of which acts the person is suspected under each of the norms of the criminal law.

4. In the establishment of several suspects in the same criminal case, the notification about being suspected in committing a crime shall be served to each of them.

5. A copy of the notification abut suspecting a person in committing a crime shall be sent to the procurator.

Article 224. Specifics in the Selection of Taking into Custody as a Measure of Restriction

1. With respect to the person, suspected of committing a crime, the inquirer shall have the right to lodge with the court, with the public

prosecutor's consent, a petition on selecting the measure of restriction in the form of taking into custody in accordance with the procedure established by Article 108 of the present Code.

2. If with respect to the accused was selected the measure of restriction in the form of taking into custody, the bill of indictment shall be compiled not later than ten days from the day of taking the suspect into custody.

3. If it is impossible to compile the bill of indictment within the term envisaged by the second part of the present Article, the charge shall be brought against the suspect in accordance with the procedure established by Chapter 23 of the present Code, after which the conduct of the inquiry shall continue in the procedure established by this Chapter, or the given measure of restriction shall be cancelled.

4. Where it is impossible to complete an inquiry within a time period up to 30 days and where there are not reasons for changing or reversing the measure of restraint in the form of taking into custody, this term may be extended by a judge of a district court or of a military court of the appropriate level in the procedure established by Part Three of Article 108 of this Code on the basis of the petition of an inquirer by approbation of the prosecutor of a district or town or of a military prosecutor equated to them for a term up to 6 months.

Article 225. Bill of Indictment

1. After he has completed the inquest, the inquirer shall compile the bill of indictment, in which shall be indicated:

1) the date and the place of its compilation;

2) the post, the surname and the initials of the person who has compiled it;

3) the data on the person, charged with the criminal liability;

4) the place and the time of committing the crime, its methods, motives, goals and consequences, as well as the other circumstances of importance for the given criminal case;

5) the formulation of the charge with an indication of the Item, part and Article of the Criminal Code of the Russian Federation;

6) the list of the proof, confirming the charge, and the list of the proof, to which the party of the defence refers;

7) the circumstances, mitigating and aggravating the punishment;

8) the data on the victim, on the character and the size of the damage inflicted upon him;

9) the list of the persons to be summoned to the court.

2. The accused and his counsel for the defence shall be acquainted with indictment and the materials of the criminal case, about which a note shall be entered into the protocol of getting acquainted with the criminal case materials.

3. To the victim or his representative at his request may be presented for getting acquainted with indictment and the materials of the criminal case in the same procedure that is established by the second part of this Article for the accused and for his counsel for the defence.

4. An indictment drawn up by the inquirer shall be approved by the chief of the inquiry body. The criminal case materials together with the indictment shall be forwarded to the prosecutor.

Article 226. Public Prosecutor's Decision on the Criminal Case That Has Come In with the Bill of Indictment

1. The public prosecutor shall consider the criminal case that has arrived with the bill of indictment and shall take on it within two days one of the following decisions:

1) on the approval of the bill of indictment and on forwarding the criminal case to the court;

2) on the return of the criminal case for carrying out an additional inquiry or for the compilation of the bill of indictment anew, if it does not correspond to the demands of Article 225 of the present Code, with his/her written directions. With this, procurator can establish a period for conducting an additional inquiry not exceeding ten days and for redrawing up the bill of indictment - not exceeding three days. Any further prolongation of the inquiry period shall be carried out on the general grounds and in the procedure established by Parts three-five of Article 223 of this Code.

3) on the termination of the criminal case on the grounds, stipulated by Articles 24-28 of the present Code;

4) on directing the criminal case for the performance of a preliminary investigation.

2. While approving the bill of indictment, the public prosecutor shall have the right by his own resolution to remove from it the individual points of accusation, or to requalify the charge into a less grave one.

3. A copy of a bill of indictment with annexes thereto shall be handed in to the accused, his/her defence counsel and the victim in the procedure established by Article 222 of this Code.

Part Three. Court Proceedings

Section IX. Proceedings in a Court of the First Instance

Chapter 33. General Procedure of Preparation for a Court Session

Article 227. Judge's Powers in a Criminal Case Which Has Come to the Court

1. The judge shall take on the criminal case, which has arrived at the court, one of the following decisions:

1) on sending the criminal case over in accordance with its jurisdiction;

2) on the appointment of a preliminary hearing;

3) on the appointment of a court session.

2. The judge's decision shall be formalized in a resolution, in which shall be pointed out:

1) the date and the place of passing the resolution;

2) the name of the court, the surname and initials of the judge, who has passed the resolution;

3) the grounds for the adopted decision.

3. The decision shall be taken within a time term of not later than 30 days after the day of the criminal case coming to the court. If the court accepts a criminal case with respect to an accused who is held in custody, the judge shall be obliged to take the decision within a term of no more than 14 days after the day or arrival of the criminal case at the court. On the request of a party the court is entitled to provide it with an opportunity to additionally familiarise itself with the criminal case materials.

4. A copy of the judge's resolution shall be directed to the accused, to the victim and to the public prosecutor.

Article 228. Questions to Be Clarified on the Criminal Case Which Has Arrived at the Court

On the criminal case which has come in to the court, the judge shall find out the following with respect to every one of the accused:

1) whether the criminal case is within the jurisdiction of the given court;

2) whether the copies of the conclusion of guilt or of the bill of indictment have been handed in;

3) whether the selected measure of restriction is subject to cancellation or to a change;

4) whether the lodged petitions and complaints are subject to satisfaction;

5) whether measures have been taken for the recompense of the damage, inflicted by the crime, and for a probable confiscation of the property;

6) whether there exist the grounds for conducting a preliminary hearing, stipulated by the second part of Article 229 of the present Code.

Article 229. Grounds for Conducting a Preliminary Hearing

1. If there exist the grounds, mentioned in the second part of this Article, the court shall conduct a preliminary hearing at the petition of a

party or at its own initiative, in accordance with the procedure, stipulated by Chapter 34 of the present Code.

2. A preliminary hearing shall be conducted:

1) if there is a petition from a party for the exclusion of the proof, entered in conformity with the third part of the present Article;

2) if there exists a ground for sending the criminal case back to the public prosecutor in the cases, stipulated by Article 237 of the present Code;

3) if there is a ground for the suspension or for the termination of the criminal case;

4) *Abolished*;

4.1) if a petition is received from a party for a hearing to be conducted in the procedure in the procedure envisaged by Part 5 of Article 247 of the present Code;

5) to resolve the question about considering the criminal case with the participation of jurors.

3. The petition for conducting a preliminary hearing may be lodged by a party after it has got acquainted with the criminal case materials or after the criminal case with the conclusion of guilt or with the bill of indictment has been sent to the court, within three days after the day when the accused received a copy of the conclusion of guilt or of the bill of indictment.

Article 230. Measures to Provide for a Civil Claim and for a Probable Confiscation of the Property

Upon a petition from the victim, from the civil claimant or their representatives, or from the public prosecutor, the judge shall have the right to pass a resolution on taking measures to provide for the recompense of the damage inflicted by the crime, or for a probable confiscation of the property. Execution of the given resolution shall be imposed upon the officers of the law.

Article 231. Appointment of a Court Session

1. In the absence of the grounds for taking decisions, envisaged in Items 1 and 2 of the first part of Article 227 of the present Code, the judge shall pass a resolution on the appointment of a court session without carrying out a preliminary hearing.

2. In addition to those envisaged by the second part of Article 227 of the present Code, in the resolution shall be resolved the following questions:

1) on the place, the date and the hour of the court session;

2) on the consideration of the criminal case by the judge alone or by the court collectively;

3) on the appointment of a counsel for the defence in the cases, stipulated by Items 2-7 of the first part of Article 51 of the present Code;

4) on the summons to the court session of the persons in accordance with the lists, submitted by the parties;

5) on examining the criminal case at a closed court session in the cases, envisaged by Article 241 of the present Code;

6) on a measure of restriction, with the exception of the cases when the measure of restriction is selected in the form of the home arrest or of taking into custody.

3. In the resolution shall also be contained decisions on the details of the court session with an indication of the surname, name and patronymic of every accused and of the qualification of the crime incriminated to them, as well as of the measure of restraint.

4. The parties shall be notified about the place, day and hour of the court session not later than five days prior to its start.

5. After appointing a court session the accused shall be entitled to file petitions for the following:

1) for trying the criminal case by a jury;

2) for holding a preliminary hearing.

Article 232. Summons to a Court Session

The judge shall give orders on the summons to a court session of the persons, named in his resolution, and shall take other measures, aimed at preparing the court session.

Article 233. Time Term for the Start of the Proceedings in a Court Session

1. Examination of a criminal case in a court session shall be started not later than within 14 days from the day of the judge passing the resolution on an appointment of the court session, and as concerns the criminal cases considered by a court with the participation of jurors - not later than within 30 days.

2. Consideration of a criminal case in a court session cannot be started earlier than seven days from the day of handing in a copy of the conclusion of guilt or of the bill of indictment to the accused.

Chapter 34. Preliminary Hearing

Article 234. Procedure for Conducting a Preliminary Hearing

1. A preliminary hearing shall be conducted by the judge on his own in a closed session with the participation of the parties, while observing the demands of Chapters 33, 35 and 36 of the present Code with the exceptions, established by the present Chapter.

2. A notification on the summons of the parties to a court session shall be forwarded at least three days before the day of conducting the preliminary hearing.

3. A preliminary hearing may be held without the attendance of the accused if he/she has so requested or if grounds exist for conducting the hearing in the procedure envisaged by Part 5 of Article 247 of the present Code on the petition of one of the parties.

4. The non-appearance of the other timely notified participants in the procedure on the criminal case shall not be seen as an obstacle to conducting a preliminary hearing.

5. If a party has lodged a petition for the exclusion of proof, the judge shall find out from another party whether it has objections against the given petition. If there are no objections, the judge shall satisfy the petition and shall pass a resolution on an appointment of a court session, unless there exist other grounds for conducting a preliminary hearing.

6. Abolished.

7. The petition of the party of the defence for demanding additional proof or objects shall be subject to satisfaction, if the given proof and objects are of importance to the criminal case.

8. At the parties' petition, interrogated as witnesses may be any persons who know something about the circumstances of the performance of the investigative actions or of the seizure and the enclosure to the criminal case materials of the documents, with the exception of the persons, enjoying the witness immunity.

9. In the course of the preliminary hearing, a protocol shall be kept.

Article 235. Petition for Excluding Proof

1. The parties shall have the right to enter a petition for the exclusion of any one proof from the list of proof, presented during the judicial proceedings. If a petition is filed, its copy shall be handed over to the other party on the day when the petition was lodged with the court.

2. A petition for the exclusion of a proof shall contain an indication of:

1) the proof, for the exclusion of which the party has applied;

2) the grounds for the exclusion of the proof, stipulated by the present Code, as well as the circumstances, on which the petition relies.

3. The judge shall have the right to interrogate a witness and to enclose to the criminal case the document, mentioned in the petition. If one of the parties objects to an exclusion of the proof, the judge shall have the right to announce the protocols of the investigative actions and the other documents, kept in the criminal case and/or submitted by the parties.

4. When considering a petition on the exclusion of a proof, entered by the party of the defence on the ground that the proof was obtained with a violation of the demands of the present Code, the burden of refutation of the arguments, put forth by the party of the defence, shall rest with the public prosecutor. All other cases, the burden of proving shall rest with the party which has lodged the petition.

5. If the court has taken the decision on the exclusion of proof, the given proof shall lose its legal force and cannot be laid into the foundation

of the sentence or of another court judgement, or be studied and made use of in the course of the judicial proceedings.

6. If the criminal case is examined by a court with the participation of jurors, the parties or the other participants in the court session shall have no right to inform the jurors about the existence of proof that has been excluded by the decision of the court.

7. When considering the criminal case on the merits, the court shall have the right, upon a petition from a party, to once again examine the question about recognizing the excluded proof to be admissible.

Article 236. Kinds of Decisions Taken by the Judge at a Preliminary Hearing

1. By the results of the preliminary hearing, the judge shall take one of the following decisions:

1) on forwarding the criminal case to where it belongs in accordance with the jurisdiction in the case, envisaged by the fifth part of this Article;

2) on sending the criminal case back to the public prosecutor;

3) on the suspension of the proceedings on the criminal case;

4) on the termination of the criminal case;

5) on an appointment of a court session;

2. The judge's decision shall be formalized with a resolution in conformity with the demands of the second part of Article 227 of the present Code.

3. In the resolution shall be reflected the results of an examination of the lodged petitions and complaints.

4. If the judge satisfies the petition on an exclusion of a proof and appoints a court session, in the resolution shall be indicated what particular proof is excluded and what materials of the criminal case, substantiating the exclusion of the given proof, cannot be studied and read out in the court session and made use of in the course of the proving.

5. If in the course of the preliminary hearing the public prosecutor changes the charge, the judge shall also reflect this in the resolution and in the cases, envisaged by the present Code, he shall send over the criminal case to where it belongs in accordance with the jurisdiction.

6. If in dealing with the petition, filed by the accused for giving him time for getting acquainted with the materials of the criminal case, the court establishes that the demands of the fifth part of Article 109 of the present Code are violated and that the ultimate term of holding the accused in custody in the course of the preliminary investigation has expired, the court shall change the measure of restriction in the form of taking into custody, shall satisfy the petition of the accused and shall fix for him a time term for his getting acquainted with the criminal case materials.

Article 237. Sending a Criminal Case Back to the Public Prosecutor

1. The judge shall return a criminal case to the public prosecutor for eliminating the obstacles to its examination by the court upon a petition from a party or at its own initiative, in the cases, if:

1) the conclusion of guilt or the bill of indictment is compiled with a violation of the demands of the present Code, thus precluding the possibility for the court to pass the sentence or some other decision on the basis of the given conclusion or bill;

2) a copy of the conclusion of guilt or of the bill of indictment is not handed in to the accused, save for instances when a court recognizes as legal and reasoned the prosecutor's decision rendered by it in the procedure established by Part Four of Article 222 or by Part Three of Article 226 of this Code;

3) it is necessary to compile the conclusion of guilt or the bill of indictment on the criminal case, directed to the court with the resolution on applying a coercive measure of the medical character;

4) there are reasons for combining criminal cases provided for byArticle 153 of this Code;

5) when familiarizing the accused with the materials of the criminal case, he/she was not explained the rights provided for by Part Five of Article 217 of this Code.

2. In the cases envisaged by the first part of this Article, the judge shall oblige the public prosecutor to provide for an elimination of the committed violations within five days.

3. If the criminal case is returned to the public prosecutor, the judge shall resolve the question of the measure of restriction with respect to the accused.

4. The commission of any investigative or other procedural actions in respect of a criminal case returned by a prosecutor, which are not provided for by this Article, shall not be allowable.

5. The evidence obtained on the expiry of the procedural time fixed by Part Two of this Article or in the course of the procedural actions, which are not provided for by this Article, shall be deemed inadmissible.

Article 238. Suspension of Criminal Court Proceedings

1. The judge shall pass a resolution on the suspension of the proceedings on a criminal case, if:

1) the accused has fled and the place of his whereabouts are unknown;

2) the accused is seriously ill, which is confirmed by a medical conclusion;

3) the court has sent an inquiry to the Constitutional Court of the Russian Federation or the Constitutional Court of the Russian Federation has accepted for its own consideration a complaint concerning the

correspondence of the law, applied or subject to application in the given criminal case, to the Constitution of the Russian Federation;

4) the whereabouts of the accused is known but there is no realistic possibility of his participation in the judicial proceedings.

2. In the case envisaged by Item 1 of the first part of this Article, the judge shall suspend the proceedings on the criminal case and, if the accused has escaped from custody, shall return the criminal case to the public prosecutor and order that the latter provide for the search of the accused or, if the escape was performed by an accused who was at large, shall appoint a measure of restriction in the form of taking into custody and order to the public prosecutor to provide for a search for him.

3. Items 1 and 4 of Part 1 of the present article are not applicable if a petition is received from one of the parties for a hearing to be conducted in the procedure envisaged by Part 5 of Article 247 of the present Code.

Article 239. Termination of a Criminal Case or of the Criminal Prosecution

1. In the cases, mentioned in Items 3 - 6 of the first part and second part of Article 24 and in Items 3 - 6 of the first part of Article 27 of the present Code, as well as if the public prosecutor renounces the charge in the order established by the seventh part of Article 246 of the present Code, the judge shall pass a resolution on the termination of the criminal case.

2. The judge may also terminate a criminal case if there exist sufficient grounds, indicated in Articles 25 and 28 of the present Code, upon a petition from one of the parties.

3. In the resolution on the termination of a criminal case or of the criminal prosecution:

1) shall be pointed out the grounds for the termination of a criminal case or of the criminal prosecution;

2) shall be resolved the questions involved in cancelling the measure of restriction, as well as the arrest of the property and of the correspondence, a temporary dismissal from the post and the monitoring and recording of discussions;

3) shall be resolved the question about the demonstrative proof.

4. A copy of the resolution on the termination of a criminal case shall be forwarded to the public prosecutor and shall be handed in to the person, with respect to whom the criminal prosecution is terminated, and to the victim within a term of five days from the day of passing such.

Chapter 35. General Conditions for the Judicial Proceedings

Article 240. Directness and Verbal Nature

1. During the judicial proceedings, all proof on the criminal case shall be subject to a direct study, with the exception of the cases envisaged in Section X of the present Code. The court shall hear out the testimony of the

defendant, of the victim and of the witnesses, as well as the expert's conclusion, shall examine the demonstrative proof and read out the protocol and the other documents; it shall also perform the other judicial actions, involved in the study of the proof.

2. Reading out the evidence, given during the proceedings of the preliminary inquisition, shall be possible only in the cases envisaged in Articles 276 and 281 of the present Code.

3. The court sentence may be based only on this proof, which have been studied in a court session.

Article 241. Openness

1. The judicial proceedings on criminal cases in all the courts shall be open, with the exception of the cases pointed out in the present Article.

2. Conducting the judicial proceedings in camera shall be admissible on the ground of a court ruling or resolution, if:

1) the judicial proceedings on a criminal case in court may lead to an indulgence of the state or of the other kind of a secret, protected by the federal law;

2) the criminal cases under examination concern the crimes, perpetrated by the persons who have not reached 16 years of age;

3) an examination of the criminal cases on the offences of the sexual immunity and sexual freedom of the personality and on other crimes may lead to an indulgence of the information on the intimate aspects of life of the participants in the criminal court proceedings or of information humiliating their honour and dignity;

4) this is called forth by the interests of guaranteeing security for the participants in the judicial proceedings, for their close relatives, relations or near persons.

2.1. Concrete, actual circumstances shall be indicated in the court ruling or decision on hearing in camera which were used by the court as the grounds for the given decision to be adopted.

3. A criminal case shall be examined in camera while observing all norms of the criminal court proceedings. A ruling or a resolution of the court on examining the criminal case in camera may be adopted with respect to the entire judicial proceedings or with respect to the relevant part of these.

4. The persons' correspondence, the recordings of their telephone and other discussions, and their telegraph, postal and other communications may be pronounced in open court only with their consent. Otherwise, the said materials shall be read out and studied in camera. These demands shall be applied also when studying the materials of photography, of audio and/or video recording and of cinema shooting, of a private nature.

5. The persons, attending an open court session, shall have the right to carry out audio recording and to make records of it in writing. Taking

photographs, video recording and/or cinema shooting shall be admissible only with the permission of the presiding justice of the court session.

6. A person below 16 years of age, who is not a participant in the criminal court proceedings, shall be allowed into the courtroom with the permission of the presiding justice.

7. The court sentence shall be announced in open court. If the criminal case is examined in camera, on the ground of the court ruling or resolution there may be made public only the introductory and the resolutive parts of the sentence.

Article 242. Invariability of the Court Composition

1. A criminal case shall be considered by one and the same judge or by one and the same composition of court.

2. If any one of the judges can no longer take part in the court session, he shall be replaced with another judge, and the judicial proceedings on the criminal case shall be started anew.

Article 243. Presiding Justice

1. The presiding justice shall lead the court session and take all measures, stipulated by the present Code, to provide for the competitiveness and the equality of the parties.

2. The presiding justice shall provide for an observation of the daily routine of the court session, explain their rights and duties, as well as the procedure for exercising and fulfilling these to all the participants in the judicial proceedings, and acquaint them with the rules of the court session, laid down by Article 257 of the present Code.

3. Objections of any one participant in the judicial proceedings against the actions of the presiding justice shall be entered into the protocol of the court session.

Article 244. Parties' Equality

The parties of the prosecution and of the defence shall enjoy in the court session the same rights in entering objections and petitions, in submitting proof and in taking part in the study thereof, in taking the floor in the judicial debates and in proposing written formulations on the questions mentioned in Items 1-6 of the first part of Article 299 of the present Code, and in dealing with the other questions arising in the process of the judicial proceedings.

Article 245. Secretary of the Court Session

1. The secretary of the court session shall keep a protocol of the court session. He is obliged to fully and correctly describe in the protocol the court actions and decisions, as well as the actions of the participants in the judicial proceedings, which have taken place in the course of the court session.

2. The secretary of the court session shall check up the attendance of the persons who were obliged to take part in the court session, and shall perform the other actions, stipulated by the present Code, on the orders of the presiding justice.

Article 246. Participation of the Public Prosecutor

1. The participation of the public prosecutor in the judicial proceedings shall be obligatory.

2. Participation of the public prosecutor shall be obligatory in the judicial proceedings on criminal cases of the public and of the private-public prosecution, and also in the examination of a criminal case of private accusation if the criminal case has been instituted investigator or inquirer with the consent of the procurator.

3. On criminal cases of the private prosecution the charge in the judicial proceedings shall be supported by the victim.

4. The public prosecution may be supported by several public prosecutors. If in the course of the judicial proceedings it transpires that the further participation of the public prosecutor is impossible, he may be replaced. The court shall give time for the new public prosecutor, who has joined the judicial proceedings, to get acquainted with the criminal case materials and to prepare for the participation in the judicial proceedings. Replacement of the public prosecutor shall not entail a repetition of the actions that have been performed by this time in the course of the judicial proceedings. Upon the public prosecutor's petition, the court may repeat the interrogations of the witnesses, the victims and the experts, or the other judicial actions.

5. The public prosecutor shall submit the proof and take part in their study, express his own opinion on the merits of the charge and on the other questions, arising in the course of the judicial proceedings, and submit proposals to the court concerning the application of the criminal law and the administration of a punishment to the defendant.

6. The prosecutor shall either file or support the civil claim, brought on the criminal case, if this is required to protect the rights of the citizens and of the public or the state interests.

7. If in the course of the judicial proceedings the public prosecutor arrives at the conclusion that the submitted proof does not confirm the charge brought against the defendant, he shall renounce the charge and explain to the court the motives of the renouncement. The full or a partial renunciation of the accusation on the part of the public prosecutor in the

course of the judicial proceedings shall entail the termination of the criminal case or of the criminal prosecution fully or in the corresponding part thereof on the grounds, stipulated by Items 1 and 2 of the first part of Article 24 and by Items 1 and 2 of the first part of Article 27 of the present Code.

8. The public prosecutor may also modify the charge towards its mitigation before the court departs to the retiring room for passing the sentence, by way of:

1) removing the signs of the crime, aggravating the punishment, from the legal classification of the act;

2) excluding from the charge a reference to a certain norm of the Criminal Code of the Russian Federation, if the defendant's act is stipulated by another norm of the Criminal Code of the Russian Federation, the violation of which was incriminated to him in the conclusion of guilt or in the bill of indictment;

3) re-qualification of the act in conformity with the norm of the Criminal Code of the Russian Federation, envisaging a milder punishment.

9. Revising a court ruling or resolution on terminating a criminal case on account of the renunciation of the charge by the public prosecutor shall be admissible only if there appear or are revealed new circumstances in conformity with Chapter 49 of the present Code.

10. Termination of a criminal case on account of the public prosecutor's renunciation of the charge, the same as his changing the charge, shall not interfere with the subsequent filing and considering a civil claim by way of the civil court proceedings.

Article 247. Participation of the Defendant

1. Judicial proceedings on a criminal case shall be conducted with an obligatory participation of the defendant, except for the cases set out in Parts 4 and 5 of the present Article.

2. If the defendant does not appear, the examination of the criminal case shall be put off.

3. The court shall have the right to subject the defendant, who has not come without any serious reasons, to a forcible bringing, and to apply towards him or change for him a measure of restriction.

4. Judicial proceedings in the absence of the defendant may be permitted, if the defendant files a petition on a crime of a minor or a medium gravity for an examination of the given criminal case in his absence.

5. In exceptional cases a court hearing on criminal cases of grave and especially-grave crimes may be conducted without the attendance of an accused person who is outside the territory of the Russian Federation and/or declines to appear in court, unless that person has been held accountable on the territory of a foreign state in this criminal case.

6. The participation of a defence lawyer in a court hearing conducted in accordance with Part 5 of the present Article is compulsory. A defence

lawyer is invited by the accused. The accused is entitled to invite several defence lawyers. If there is no defence lawyer invited by the accused, the court shall make sure a defence lawyer is appointed.

7. If the circumstances mentioned in Part 5 of the present Article have been eliminated, the judgement or ruling of the court made in absentia shall be overturned on the petition of the convict or the convict's defence lawyer in the procedure envisaged by Chapter 48 of the present Code. In this case a court hearing shall be conducted in the ordinary procedure.

Article 248. Participation of a Counsel for the Defence

1. The defendant's counsel for the defence shall take part in the study of the proof and file petitions and express his opinion to the court on the merit of the accusation and on its proving, on the circumstances mitigating the defendant's punishment or acquitting him, on the measure of the punishment and also on the other questions, arising in the course of the judicial proceedings.

2. If the counsel for the defence fails to come and it is impossible to replace him, the judicial proceedings shall be postponed. Replacement of the counsel for the defence shall be performed in conformity with the third part of Article 50 of the present Code.

3. If the counsel for the defence is replaced, the court shall give time for the counsel for the defence who has joined the criminal case proceedings anew, to get acquainted with the criminal case materials and to prepare for the participation in the judicial proceedings. Replacement of the counsel for the defence shall not entail a repetition of the actions that have been accomplished by that time in court. At the request of the counsel for the defence, the court may repeat the interrogations of the witnesses, of the victims and of the experts, or the other judicial actions.

Article 249. Participation of the Victim

1. The judicial proceedings shall take place with the participation of the victim and/or of his representative, unless otherwise stipulated by the second and the third parts of this Article.

2. If the victim does not appear, the court shall consider the criminal case in his absence, with the exception of the cases when the court has recognized that the victim's presence is obligatory.

3. On the criminal cases of the private prosecution the failure of the victim to appear without serious reasons shall entail the termination of the criminal case on the ground, stipulated by Item 2 of the first part of Article 24 of the present Code.

Article 250. Participation of the Civil Claimant and of the Civil Defendant

1. In the judicial proceedings shall be taking part the civilclaimant, the civil defendant and/or their representatives.

2. The court shall have the right to consider a civil claim in the absence of the civil claimant, if:

1) this is requested for by the civil claimant or by his representative;

2) the civil claim is supported by the public prosecutor;

3) the defendant completely agrees with the civil claim he is charged with.

3. All other cases, if the civil claimant or his representative has failed to appear, the court shall have the right to leave the civil claim without consideration. In this case, the civil claimant shall retain the right to submit the claim by way of the civil court proceedings.

Article 251. Participation of a Specialist

A specialist summoned to the court shall take part in the judicial proceedings in the procedure established by Articles 58 and 270 of the present Code.

Article 252. Scope of the Judicial Proceedings

1. The judicial proceedings shall be conducted only with respect to the defendant and only on the charge brought against him.

2. A change of the charge in the judicial proceedings shall be admissible, unless this aggravates the defendant's position and violates his right to the defence.

Article 253. Putting Off and Suspension of the Judicial Proceedings

1. If it is impossible to conduct the judicial proceedings because of the non-appearance in the court session of any one of the summoned persons or in connection with the need to demand new proof, the court shall pass a ruling or a resolution on putting them off for a definite term. At the same time, measures shall be taken to provide for summoning or for a forcible bringing of these persons and for demanding the supply of new proof.

2. After the judicial proceedings have been resumed, the court shall continue the hearings as from the moment when they were postponed.

3. If the defendant has fled, except for the case specified in Part 4 of the present Article, and also in case of the mental derangement or another serious illness precluding his appearance, the court shall suspend the proceedings with respect to this defendant until his search or recovery and shall continue the judicial proceedings with respect to the rest of the defendants. If the separate judicial proceedings interfere with the consideration of the criminal case, the entire proceedings on it shall be suspended. The court shall pass a ruling or a resolution on the search for the defendant who has fled.

4. If the grounds specified in Part 5 of Article 247 of the present Code exist then a court hearing shall be conducted on the parties' petition in the absence of the accused. A ruling or decision shall be issued by the court concerning the holding of the hearing in the absence of the accused.

Article 254. Termination of the Criminal Case in a Court Session

The court shall terminate the criminal case in a court session:

1) if during the judicial proceedings are established the circumstances, pointed out in Items 3-6 of the first part, second part of Article 24 and in Items 3 - 6 of the first part of Article 27 of the present Code;

2) if the public prosecutor renounces the charge in conformity with the seventh part of Article 246 or with the third part of Article 249 of the present Code;

3) in the cases, stipulated by Articles 25 and 28 of the present Code.

Article 255. Resolving the Question of a Measure of Restriction

1. In the course of the judicial proceedings the court shall have the right to select, change or cancel a measure of restriction with respect to the defendant.

2. If taking into custody is selected for the defendant as a measure of restriction, the term of holding him under arrest as from the day of the criminal case arriving at the court and untill the sentence is passed shall not exceed six months, with the exception of the cases envisaged in the third part of this Article.

3. The court, which is conducting the procedure on the given criminal case, shall have the right to extend the term of holding the defendant in custody. An extension of the term of holding under arrest shall be admissible only on the criminal cases on grave and especially grave crimes, and every time by no more than three months.

4. The court decision on an extension of the term of holding the defendant in custody may be appealed against by way of cassation. The filing of an appeal shall not suspend the proceedings on the criminal case.

Article 256. Procedure for Passing a Ruling or a Resolution

1. On the questions to be resolved by the court in a court session, the court shall pass rulings or resolutions, which shall be read out in the court session.

2. The ruling or the resolution on sending the criminal case back to the public prosecutor in conformity with Article 237 of the present Code, on the termination of the criminal case, on the selection, change or cancellation of a measure of restriction with respect to the defendant, on the court hearing in the case set out in Part 5 of Article 247 of the present Code in the absence of the accused, on an extension of the term of keeping him under arrest, on the objections and on an appointment of a

court examination, shall be passed in the retiring room and shall be rendered in the form of a separate procedural document, signed by the judge or by the judges, if the criminal case is examined by the court collectively. All the other rulings or resolutions shall be passed at the court's discretion in the courtroom and shall be entered into the protocol.

Article 257. Rules of the Court Session

1. When the judges enter the courtroom, all those present in the courtroom shall stand up.

2. All the participants in the judicial proceedings shall address the court, give evidence and make applications while standing. A deviation from this rule may be made only with the permission of the presiding justice.

3. The participants in the judicial proceedings, as well as the other persons present in the courtroom, shall address the court with the words, "Esteemed Court", and the judge as "Your Honour".

4. The officer of the court shall provide for the proceedings of the court session and fulfil the orders of the presiding justice. The demands of the officer of the court, aimed at providing for the proceedings of the court session, shall be obligatory for those present in the courtroom.

Article 258. Measures to Be Taken for a Violation of Order in a Court Session

1. If the order is violated during a court session, or if a person present in the courtroom does not fulfil directions of the presiding justice or of the officer of the court, he shall be either warned about the inadmissibility of such behaviour or removed from the courtroom, or a monetary fine shall be imposed upon him in the accordance with the order, established by Articles 117 and 118 of the present Code.

2. If the public prosecutor or the counsel for the defence does not heed directions of the presiding judge, the hearing of the criminal case may be postponed under a ruling or a resolution of the court, if it is impossible without a detriment to the criminal case to replace the given person by another. The court shall simultaneously inform to this effect the higher-placed public prosecutor or the lawyers' chamber, respectively.

3. The defendant may be removed from the courtroom till the end of the parties' debates. In this case, he shall be granted the right to the last plea. The sentence shall in this case be pronounced in his presence or shall be read out to him against his signature immediately after its pronouncement.

Article 259. Protocol of a Court Session

1. In the course of a court session, a protocol shall be kept.

2. The protocol may be written by hand, or typed, or made with the use of a computer. To ensure the fullness of the protocol, a stenograph, as well as their technical devices may be used.

3. In the protocol of a court session must be pointed out:

1) the place and the date of the session, the time of its beginning and of its end;

2) what criminal case is considered;

3) the name and composition of the court, the data on the secretary, interpreter, public prosecutor and counsel for the defence, on the defendant and the victim, on the civil claimant and on the civil defendant, on their representatives and on the other persons, summoned to the court;

4) the data on the personality of the defendant and on the measure of restraint, selected with respect to him;

5) the court's actions in the sequence, in which they were performed in the course of the court session;

6) the applications, objections and petitions of the persons, taking part in the criminal case;

7) the rulings or the resolutions, passed by the court without departure to the retiring room;

8) the rulings or the resolutions, passed by the court with the departure to the retiring room;

9) information on the explanation to the participants in the judicial proceedings of their rights, liabilities and responsibility;

10) a detailed content of the evidence;

11) the questions, put to the interrogated persons, and their answers;

12) the results of the examinations and of the other actions, aimed at the study of the proof, performed in the court session;

13) the circumstances, which the participants in the judicial proceedings request to enter into the protocol;

14) the main content of the parties' statements in the judicial debates and of the last plea of the defendant;

15) information on the pronouncement of the sentence and on explaining the procedure for getting acquainted with the protocol of the court session and for making comments on it;

16) information on explaining to the acquitted and to the convicted person of the procedure and the term for filing an appeal against the sentence, as well as on explaining the right to lodge a petition for the participation in examining the criminal case by the court of the cassation instance.

4. In the protocol shall also be pointed out the measures to be applied towards the person who has interfered with the order of the court session.

5. If in the course of the judicial proceedings the photography, the audio and/or the video recording and the cinema shooting of the interrogations were carried out, a note on this shall be made in the protocol

of the court session. In this case, the materials of the photography, of the audio and/or the video recording and of the cinema shooting shall be enclosed to the materials of the criminal case.

6. The protocol shall be compiled and signed by the presiding justice and by the secretary of the court session within three days as from the day of the end of the court session. The protocol may be compiled in the course of the court session in the parts which, the same as the protocol as a whole, shall be signed by the presiding justice and the secretary. Upon the parties' petition, they may be granted an opportunity to get acquainted with the parts of the protocol as soon as these are compiled.

7. The petition for familiarization with the record of a court session shall be filed by the parties in writing within three days as of the date of the court session's termination. Said time period may be restored, if the petition has not been filed for sound reasons. The petition shall not be allowable if a criminal case has already been forwarded to the cassational instance or if on the expiry of the time period provided for filing a cassational appeal, a criminal case is at the stage of execution. The presiding justice shall provide the parties with the opportunity to familiarize themselves with the record of a court session within three days as of the date of receiving the petition. The presiding justice shall be likewise entitled to provide other participants of the court proceedings with the opportunity to get familiar with the record on the petition thereof, insofar as their testimonies are concerned. If the record of a court session is issued by virtue of objective circumstances after the expiry of three days as of the date of the court session's termination, the participants of the court proceedings who filed the petition, have to be notified of the date of signing the record and of the time when they can familiarize themselves with it. The time period for familiarization with the record of a court session shall be fixed by the presiding justice depending on the extent of said record but it does not have to be less that five days, as of the start of the familiarization. In exceptional instances the presiding justice may extend the fixed time period on the petition of the person getting familiar with the record. If a participant of court proceedings clearly temporizes familiarization with the record, the presiding justice shall be entitled to fix by his/her decision a specific time for familiarization with it.

8. A copy of the protocol shall be made at a written petition from the participant in the judicial proceedings and at his expense.

Article 260. Comments on the Protocol of a Court Session

1. In the course of three days from the day of getting acquainted with the protocol of the court session, the parties may submit their comments on it.

2. The comments on the protocol shall be examined by the presiding justice without delay. If necessary, the presiding justice shall have the right

to summon the persons, who have submitted the comments, for specifying the content thereof.

3. On the results of an examination of the comments, the presiding justice shall pass a resolution on the certification of their correctness, or on their rejection. The comments on the protocol and on the resolution of the presiding justice shall be enclosed to the protocol of the court session.

Chapter 36. Preparatory Part of a Court Session

Article 261. Opening a Court Session

The presiding justice shall open the court session at the appointed time and shall announce what criminal case shall be subjected to the proceedings.

Article 262. Checking the Attendance at the Court

The secretary of the court session shall report on the attendance of the persons who must take part in the court session, and shall declare the reasons behind the absence of those who have not come.

Article 263. Explaining His Rights to the Interpreter

The presiding justice shall explain to the interpreter his rights and liability, stipulated by Article 59 of the present Code, about which the interpreter shall make a signed statement that shall be enclosed to the protocol of the court session.

Article 264. Removal of Witnesses from the Courtroom

1. The arrived witnesses shall be removed from the courtroom untill the start of their interrogation.

2. The officer of the court shall take measures for preventing the witnesses, who have not yet been interrogated by the court, from communicating with the already interrogated witnesses, as well as with the other persons, present in the courtroom.

Article 265. Identification of the Defendant's Person and of the Timely Handing In to Him of a Copy of the Conclusion of Guilt or of the Bill of Indictment

1. The presiding justice shall identify the person of the defendant by finding out his surname, name and patronymic, as well as the year, month, day and place of his birth; he shall also ascertain whether the person has a good command of the language in which the criminal court proceedings are conducted, the place of the defendant's residence and of his work, the kind of his occupation, his education and his family status, and other data concerning his person.

2. After this, the presiding justice shall find out whether and when to the defendant was handed a copy of the conclusion of guilt or of the bill of

indictment, or of the public prosecutor's resolution on changing the charge. The judicial proceedings on the criminal case shall not be started earlier than seven days after handing in to the accused a copy of the conclusion of guilt or of the bill of indictment, or of the resolution on changing the charge.

3. When a criminal case is examined in the procedure envisaged by Part 5 of Article 247 of the present Code the chairperson shall find out if a copy of the indictment or prosecutor's decision on change of charges. In this case the hearing of the criminal case cannot be commenced within seven days after the delivery of a copy of the indictment or decision on change of charges to a defence lawyer.

Article 266. Announcement of the Court Composition and the Other Participants in the Judicial Proceedings Explaining to Them the Right of Objection

1. The presiding justice shall announce the composition of the court, shall declare who is the public prosecutor, the counsel for the defence, the victim, the civil claimant, the civil defendant or their representatives, as well as the secretary of the court session, the expert, the specialist and the interpreter. The presiding justice shall explain to the parties their right to enter a challenge to the constitution of the court as a whole or an objection to any one of the judges in conformity with Chapter 9 of the present Code.

2. The court shall deal with the entered rejections in accordance with the procedure, established by Articles 65, 66 and 68-72 of the present Code.

Article 267. Explaining His Rights to the Defendant

The presiding justice shall explain to the defendant his rights in the judicial proceedings, envisaged by Article 47 of the present Code.

Article 268. Explaining Their Rights to the Victim, the Civil Claimant and the Civil Defendant

1. The presiding justice shall explain to the victim, to the civil claimant and to their representatives, as well as to the civil defendant and to his representative, their rights and responsibility in the judicial proceedings, stipulated, respectively, by Articles 42, 44, 45, 54 and 55 of the present Code.

2. To the victim shall be in addition explained his right to a reconciliation with the defendant in the cases, envisaged in Article 25 of the present Code.

Article 269. Explaining His Rights to the Expert

The presiding justice shall explain to the expert his rights and responsibility, stipulated by Article 57 of the present Code, on which the expert shall make a written signed statement that shall be enclosed to the protocol of the court session.

Article 270. Explanation of His Rights to the Specialist

The presiding justice shall explain to the specialist his rights and responsibility, stipulated by Article 58 of the present Code, on which the specialist shall make a written signed statement that shall be enclosed to the protocol of the court session.

Article 271. Entering and Resolving Petitions

1. The presiding justice shall ask the parties whether they have petitions to file for the summons of new witnesses, experts and specialists, for demanding demonstrative proof and documents, or for excluding the proof obtained with a violation of the demands of the present Code. The person who has entered the petition, shall be obliged to substantiate it.

2. Having heard out the opinions of the participants in the judicial proceedings, the court shall examine every filed petition and shall satisfy it, or it shall pass a ruling or a resolution on the refusal in the satisfaction of the petition.

3. The person, whose petition the court has refused to satisfy, shall have the right to lodge it once again in the course of the further judicial proceedings.

4. The court shall have no right to refuse the satisfaction of the petition for an interrogation in the court session as a witness or as a specialist the person, who has come to the court at the parties' initiative.

Article 272. Resolving the Question of the Possibility to Examine a Criminal Case in the Absence of a Participant in the Criminal Court Proceedings

If any one of the participants in the criminal court proceedings has not appeared, the court shall hear out the parties' opinions on the possibility of carrying out the judicial proceedings in his absence and shall pass a ruling or a resolution on the postponement of the judicial proceedings or on going on with them, as well as on the summoning or on a forcible bringing of the participant in question.

Chapter 37. Judicial Investigation

Article 273. Beginning of the Judicial Investigation

1. The judicial investigation shall be commenced with a statement of the public prosecutor on the charge brought against the defendant, and in the criminal cases of the private prosecution - with the rendering of the statement by the private prosecutor.

2. The presiding justice shall ask the defendant whether the charge is comprehensible to him, whether he recognizes himself to be guilty and whether he or his counsel for the defence wishes to express his attitude to the presented accusation.

Article 274. Procedure for the Study of Proof

1. The sequence in the study of proof shall be defined by the party, which has supplied the proof to the court.

2. The party of the prosecution shall be the first to supply the proof. After the study of the proof supplied by the party of the prosecution, those submitted by the party of the defence shall also be examined.

3. An interrogation of the defendant shall be conducted in conformity with Article 275 of the present Code. With the permission of the presiding justice, the defendant shall have the right to give evidence at any moment of the judicial proceedings.

4. If several defendants are taking part in the criminal case, the sequence of their supply of proof shall be determined by the court with an account for the parties' opinion.

Article 275. Interrogation of the Defendant

1. If the defendant agrees to give evidence, the first to interrogate him shall be the counsel for the defence and the participants in the judicial proceedings on the side of the defence, then the public prosecutor and the participants in the judicial proceedings on the side of the prosecution. The presiding justice shall reject the leading questions and the questions that have no bearing on the given criminal case.

2. The defendant shall have the right to make use of written notes, which shall be submitted to the court upon its demand.

3. The court shall put questions to the defendant after he has been interrogated by the parties.

4. An interrogation of the defendant in the absence of the other defendant shall be admissible at the parties' petition or at the initiative of the court, on which shall be passed a ruling or a resolution. In this case, after the defendant comes back to the courtroom, the presiding justice shall inform him of the content of the testimony, given in his absence, and shall provide for him an opportunity to put questions to the defendant, interrogated in his absence.

5. If there are several defendants in the criminal case, the court shall have the right to change the sequence of their interrogation, laid down in the first part of this Article.

Article 276. Announcement of the Defendant's Testimony

1. The announcement of the defendant's testimony, which he has given in the course of the preliminary inquisition, as well as the reproduction of the materials of the photography, of the audio and/or the video recording and of the cinema shooting of his testimony, enclosed to

the protocol of his interrogation, may be performed at the parties' petition in the following cases:

1) if there are essential contradictions between the evidence the defendant gave in the course of the preliminary inquisition and in court, with the exception of the cases, stipulated by Item 1 of the second part of Article 75 of the present Code;

2) when the criminal case is examined in the absence of the defendant in conformity with Parts 4 and 5 of Article 275 of the present Code;

3) in the event of a refusal to give evidence, if the requirements of Item 3 of Part Four of Article 47 of this Code are met.

2. The demands of the first part of this Article shall also be spread to the cases of announcement of the testimony, which the defendant gave in court at an earlier stage.

3. The demonstration of the photography negatives and of the photographs and the slides, made in the course of the interrogation, as well as the reproduction of the audio and/or the video recordings and of the cinema shooting of the interrogation without first announcing the evidence, contained in the corresponding protocol of an interrogation or in the protocol of the court session, shall be inadmissible.

Article 277. Interrogation of the Victim

1. The victim shall be interrogated in accordance with the order, established by the second to the sixth parts of Article 278 of the present Code.

2. The victim may give evidence at any moment of the judicial investigation with the permission of the presiding justice.

Article 278. Interrogation of Witnesses

1. The witnesses shall be interrogated apart and in the absence of the still not interrogated witnesses.

2. Before the interrogation, the presiding justice shall identify the person of the witness, find out his relationship with the defendant and with the victim, and explain to him his rights, liabilities and responsibility, stipulated by Article 56 of the present Code, on which the witness shall give a written signed statement that shall be enclosed to the protocol of the court session.

3. The first to put questions to the witness shall be the party, on whose petition he was summoned to the court session. The judge shall put questions to the witness after the latter has been interrogated by the parties.

4. The interrogated witnesses may leave the courtroom before the end of the judicial investigation with the permission of the presiding justice, who shall take into account in doing this the opinion of the parties.

5. If it is necessary to provide for the security of the witness, of his close relatives, relations and near persons, the court shall have the right to conduct his interrogation without making public the genuine data of the witness's person under the conditions, precluding a visual observation of the witness by the other participants in the judicial proceedings, on which the court shall pass a ruling or a resolution.

6. If the parties put forward a substantiated petition on revealing the genuine information on the person who is giving evidence, in connection with the need to carry out the defence of the person at the bar or to establish some circumstances, essential for the examination of the criminal case, the court shall have the right to grant to the parties an opportunity to get acquainted with the said information.

Article 279. Making Use of Written Notes and Documents by the Victim and by the Witness

1. The victim and the witness may make use of the written notes, which shall be submitted to the court upon its demand.

2. The victim and the witness shall be permitted to read out the documents in their possession, which have a bearing on their evidence. These documents shall be submitted to the court and, in accordance with its ruling or resolution, may be enclosed to the criminal case materials.

Article 280. Specifics in an Interrogation of a Minor Victim and Witness

1. If in the interrogation are involved the victims and the witnesses, aged less than fourteen, and at the discretion of the court also those aged from fourteen to eighteen, a pedagogue shall be participating. An interrogation of the minor victims or witnesses with physical or mental defects shall in all cases be conducted in the presence of a pedagogue.

2. Before the start of the interrogation of a minor, the presiding justice shall explain to the pedagogue his rights, on which the corresponding entry shall be made in the protocol of the court session.

3. The pedagogue shall have the right to put questions to the minor victim or witness with the permission of the presiding justice.

4. If necessary, to take part in the interrogation of the under age victims or witnesses, who are pointed out in the first part of this Article, shall also be summoned their legal representatives, who may put questions to the interrogated minor with the permission of the presiding justice. An interrogation of the victim or of the witness, who has not reached fourteen years of age, shall be conducted with an obligatory participation of his legal representative.

5. Before an interrogation of the victims and of the witnesses, who have not reached the age of fourteen, the presiding justice shall explain to them the importance of an exhaustive and truthful evidence for the criminal case. These persons shall not be warned against the refusal to give

evidence and against giving a deliberately false evidence, and no signed statements shall be demanded from them.

6. To protect the rights of the minor, an interrogation of the victims and of the witnesses, who have not reached the age of eighteen, may be conducted, upon the petition of the parties and at the initiative of the court, in the absence of the defendant, on which the court shall pass a ruling or a resolution. After taking the defendant back to the courtroom, he shall be informed about the testimony of these persons and given an opportunity to put questions to them.

7. After completing the interrogation, the victim or the witness who has not reached the age of eighteen, the pedagogue who was present at his interrogation, as well as the legal representatives of the victim or of the witness may leave the courtroom with the permission of the presiding justice.

Article 281. Announcement of the Evidence of the Victim and of the Witness

1. The announcement of the testimony of the victim and of the witness given at an earlier date in the course of conducting a preliminary investigation or the judicial proceedings, as well as the demonstration of photography negatives and photographs and slides made during the interrogations, and the reproduction of the audio and/or video recordings and of the cinema shootings of the interrogations, shall only be allowable with the consent of the parties in the event of non-appearance of the victim or witness, save for the instances provided for by Part Two of this Article.

2. In the event of non-appearance of the victim or witness in court session, the court shall be entitled on the petition of the parties or on its own initiative to decide on the announcement of evidence previously given by them in the event of:

1) the death of the victim or witness;

2) their very poor health impeding their appearance in court;

3) the refusal of the victim or witness - who is a foreign citizen - to appear in court when summoned;

4) a natural calamity or other emergency situation impeding their appearance in court.

3. A court shall be entitled on the petition of a party to decide on the announcement of evidence of the victim or witness, given earlier in the course of preliminary investigation or in court if there are essential contradictions between previously given evidence and the evidence given in court.

4. The refusal from giving evidence on the part of the victim or of the witness, announced in court, shall not be seen as an obstacle for the announcement of his evidence, given in the course of the preliminary inquisition, if this evidence was obtained in conformity with the demands of the second part of Article 11 of the present Code.

5. Demonstration of the photography negatives and of the photographs and slides, made during the interrogation, or the reproduction of the audio and/or the video recordings and of the cinema shooting of the interrogation shall be inadmissible before the preliminary announcement of the evidence, contained in the corresponding protocol of the interrogation or in the protocol of the court session.

Article 282. Interrogation of the Expert

1. Upon the parties' petition or at its own initiative, the court shall have the right to summon for interrogation the expert who has issued the conclusion in the course of the preliminary inquisition, for him to explain or extend the conclusion he has given.

2. After the announcement of the expert's conclusion, the parties may put questions to the expert. The first to put questions shall be the party, at whose initiative the expertise was appointed.

3. If necessary, the court shall have the right to give to the expert the time he needs to prepare the answers to the questions of the court and of the parties.

Article 283. Performance of a Court Examination

1. The court may appoint a court examination upon the parties' petition or at its own initiative.

2. If a court examination is appointed, the presiding justice shall suggest that the parties submit questions to the expert in writing. The raised questions shall be announced and the opinions on them of the participants in the judicial proceedings shall be heard out. Having considered the said questions, the court in its ruling or resolution shall reject those of them which have no bearing on the criminal case or are outside the expert's competence, and shall formulate new questions.

3. The court examination shall be carried out in the order, established by Chapter 27 of the present Code.

4. Upon a petition from the parties or at its own initiative, the court shall appoint a repeated or an additional court examination, if there are contradictions between the conclusions of the experts which cannot be overcome during the judicial proceedings by way of an interrogation of experts.

Article 284. Examination of Demonstrative Proof

1. Demonstrative proof may be examined at any moment of the judicial investigation upon the parties' petition. The persons, to whom demonstrative proof is presented, shall have the right to draw the attention of the court to the circumstances of importance for the criminal case.

2. Demonstrative proof may be examined by the court at the place of their location.

Article 285. Reading Out the Protocols of Investigative Actions and the Other Documents

1. The protocols of investigative actions, the expert's conclusion he has given in the course of the preliminary inquisition, as well as the documents enclosed to the criminal case or submitted in the court session, may be read out in full or in part on the ground of a ruling or a resolution of the court, if the circumstances of importance for the criminal case are either described or certified in them.

2. The protocols of investigative actions, the expert's conclusion and the other documents shall be read out by the party, which has entered a petition for their pronouncement, or by the court.

Article 286. Enclosure of Documents, Submitted to the Court, to Criminal Case Materials

The documents, which have been submitted to the court session by the parties or which have been demanded by the court, may be studied and enclosed to the criminal case materials on the ground of a court ruling or resolution.

Article 287. Examination of the Locality and of the Premises

1. The locality and premises shall be examined by the court with the participation of the parties, and, if necessary, with the participation of the witnesses, of the expert and of the specialist. Examination of the premises shall be carried out on the ground of a court ruling or resolution.

2. As he arrives at the scene of examination, the presiding justice shall announce the continuation of the court session and the court shall start the examination; to the defendant, the victim, the witnesses, the expert and the specialist may be put questions in connection with the examination.

Article 288. Investigative Experiment

1. An investigative experiment shall be staged by the court with the participation of the parties and if necessary, also with the participation of the witnesses, the expert and the specialist. An investigative experiment shall be carried out on the ground of a court ruling or resolution.

2. The court shall conduct an investigative experiment in conformity with the demands of Article 181 of the present Code.

Article 289. Presenting for Identification

If it is necessary to present a person or an object for identification in court, the identification shall be performed in accordance with the demands of Article 193 of the present Code.

Article 290. Identification

1. An identification shall be carried out on the ground of a court ruling or resolution in the cases, envisaged in the first part of Article 179 of the present Code.

2. An identification of the person upon his stripping naked, shall be conducted in a separate room by a doctor or another specialist, who shall compile and sign the act of examination, after which the said person shall be taken back to the courtroom. In the presence of the parties and of the examined person, the doctor or another specialist shall inform the court about the traces and signs on the body of the examined person, if he has found such, and shall answer the questions put by the parties and by the judges. An act of an examination shall be enclosed to the materials of the criminal case.

Article 291. Completing the Judicial Investigation

1. After the study of the proof presented by the parties is completed, the presiding justice shall ask the parties whether they would like to make an addition to the judicial investigation. If a petition for an addition to the judicial investigation is filed, the court shall discuss it and take the corresponding decision.

2. After dealing with the petitions and carrying out the necessary judicial actions in connection with this, the presiding justice shall declare the judicial investigation to be complete.

Chapter 38. Parties' Presentations and the Last Plea of the Defendant

Article 292. Content and Procedure for the Parties' Presentations

1. The parties' presentations shall consist of the speeches of the public prosecutor and of the counsel for the defence. If there is no counsel for the defence, in the parties' presentations shall take part the defendant.

2. In the parties' argument in court may also take part the victim and his representative. The civil claimant, the civil defendant, their representatives and the defendant shall have the right to file a petition for the participation in the parties' debates.

3. The sequence of taking the floor by the participants in the parties' debates shall be established by the court. The public prosecutor shall in all cases be the first, and the defendant and his counsel for the defence - the last. The civil defendant and his representative shall take part in the parties' presentations of the case after the civil claimant and his representative.

4. The participant in the parties' argument shall have no right to refer to the proof, which have not been examined in the court session or which have been recognized by the court as inadmissible.

5. The court shall have no right to limit the length of the parties' presentations. The presiding justice shall have the right to stop the persons, taking part in the presentations of the case, if they concern the

circumstances of no bearing on the criminal case under examination or the proof which have been recognized as inadmissible.

6. After all the participants in the discussion have pronounced their speeches, each of them may take the floor yet another time for a retort. The right to the last retort shall be enjoyed by the defendant or by his counsel for the defence.

7. The persons, mentioned in the first to the third parts of this Article, shall have the right, after the end of the parties' debates but before the court departs to the retiring room, to submit to the court in writing the formulations of the decisions on the questions, indicated in Items 1-6 of the first part of Article 299 of the present Code, which they suggest. The proposed formulations do not have an obligatory force for the court.

Article 293. Last Plea of the Defendant

1. After the parties' discussions are over, the presiding justice shall grant the last plea to the defendant. During the last plea, no questions shall be put to the defendant.

2. The court shall have no right to limit the length of the defendant's last plea in time. Yet the presiding justice shall have the right to interrupt the defendant, if the circumstances the defendant describes have no bearing on the criminal case under examination.

Article 294. Resumption of the Judicial Investigation

If the participants in the parties' discussion or the defendant in his last plea put forth some new circumstances of importance for the criminal case, or if they declare that it is necessary to submit new proof to be studied by the court, the court shall have the right to resume the judicial investigation. After the resumed judicial investigation is completed, the court shall once again open the parties' debates and grant the last plea to the defendant.

Article 295. Departure of the Court to the Retiring Room for Passing a Sentence

1. Having heard out the last plea of the defendant, the court shall depart to the retiring room for passing a sentence, about which the presiding justice shall inform those present in the courtroom.

2. Before the court departs to the retiring room, the time of pronouncement of the sentence shall be declared to the participants in the judicial proceedings.

Chapter 39. Passing the Sentence

Article 296. Passing the Sentence on Behalf of the Russian Federation

The court shall pass the sentence on behalf of the Russian Federation.

Article 297. Legality, Substantiation and Justice of the Sentence

1. The court sentence shall be legal, substantiated and just.

2. The sentence shall be recognized as legal, substantiated and just, if it is passed in conformity with the demands of the present Code and relies on the correct application of the criminal law.

Article 298. Secrecy of the Judges' Conference

1. The sentence shall be passed by the court in the retiring room. During the passing of the sentence in this room may be present only the judges, included into the composition of the court on the given criminal case.

2. After the end of the working hours, as well as in the course of the working day, the court shall have the right to have an interval for a break exiting out of the retiring room. The judges shall have no right to divulge the judgements put forth in the discussions and in passing the sentence.

Article 299. Questions Resolved by the Court in Passing the Sentence

1. When passing the sentence, the court shall resolve the following questions in the retiring room:

1) whether it is proved that the action, the perpetration of which is incriminated to the defendant, has actually taken place;

2) whether it is proved that the action was committed by the defendant;

3) whether this action is a crime and in what Item, part and Article of the Criminal Code of the Russian Federation it is envisaged;

4) whether the defendant is guilty of committing this crime;

5) whether the defendant is subject to a punishment for the crime he has committed;

6) whether there exist the circumstances, mitigating or aggravating the punishment;

7) what punishment shall be meted out to the defendant;

8) whether there exist the grounds for an adjudgement of a sentence without prescribing a punishment or for a relief from the punishment;

9) what kind of a correctional institution and what regime shall be prescribed for the defendant when inflicting upon him the punishment in the form of the deprivation of freedom;

10) whether the civil claim is subject to satisfaction, in whose favour and in what size;

10.1) if it is proven that the property subject to confiscation has been received as the result of committing a crime or is deemed an income from such property or has been used or intended for being used as an instrument of crime or for financing terrorism, an organised group, illegal armed formation or criminal community (criminal organisation);

11) what shall be done with the property, put under arrest, to provide for the civil claim or for the probable confiscation;

12) what shall be done with the demonstrative proof;

13) upon whom and in what amount shall be imposed the procedural outlays;

14) whether the court shall deprive the defendant in the cases, stipulated by Article 48 of the Criminal Code of the Russian Federation, of the special, military or honorary title, of the class rank and of the state awards;

15) whether coercive measures of an educational natural shall be applied in the cases, envisaged in Articles 90 and 91 of the Criminal Code of the Russian Federation;

16) whether coercive measures of the medical character may be applied in the cases, envisaged in Article 99 of the Criminal Code of the Russian Federation;

17) whether the measure of restriction, applied towards the defendant, shall be cancelled or changed.

2. If the defendant is accused of the perpetration of several crimes, the court shall resolve the questions, pointed out in Items 1-7 of the first part of this Article, with respect to every crime separately.

3. If several defendants are charged with committing the crime, the court shall resolve the questions, pointed out in Items 1-7 of the first part of this Article, with respect to every defendant separately, while determining his role and the extent of his participation in the perpetrated act.

Article 300. Resolving the Question of the Defendant's Sanity

1. In the cases, envisaged by Item 16 of the first part of Article 299 of the present Code, the court shall discuss the question of the defendant's sanity, if this question has arisen in the course of the preliminary inquisition or of the judicial proceedings.

2. Having recognized that the defendant was in a state of mental derangement during the perpetration of the crime or that he has plunged into the state of mental derangement after committing the crime, which precluded the possibility for him to realize the actual character and the social danger of his actions (his lack of action) or to govern them, the court shall pass a resolution in the order, established by Chapter 51 of the present Code.

Article 301. Procedure of the Judges' Conference in the Collegiate Consideration of a Criminal Case

1. When passing the sentence in the retiring room if the criminal case was examined by the court collectively, the presiding justice shall arrange the questions for resolving them in the order, established by Article 299 of the present Code.

2. In the resolution of every question, the judge shall have no right to abstain from the voting, with the exception of the cases envisaged in the third part of this Article. All the questions shall be resolved by the majority vote. The presiding justice shall be the last to cast his vote.

3. The judge, who gave his vote for the acquittal of the defendant and who was left in the minority, shall be granted the right to abstain from the voting on the questions of the application of the criminal law. If the judges' opinions on the questions of qualifying the crime or on the measure of the punishment have diverged, the vote cast for the acquittal shall be added to the votes, cast for the qualification of the crime in conformity with a criminal law envisaging a less serious crime and for meting out a milder punishment.

4. The measure of the punishment in the form of the death penalty may be administered to the guilty person only by a unanimous decision of all the judges.

5. The judge holding a special opinion on the passed sentence, shall have the right to put it in writing in the retiring room. The special opinion shall be enclosed to the sentence and shall not be announced in the courtroom.

Article 302. Kinds of Sentences

1. The court sentence may be either a judgement of acquittal or a judgement of conviction.

2. The judgement of acquittal shall be passed in the cases, when:

1) the event of the crime is not established;

2) the defendant is not involved in the perpetration of the crime;

3) corpus delicti is not available of a crime in the defendant's action;

4) the college of jurors has passed with respect to the defendant the verdict of not guilty.

3. The acquittal on any of the grounds, stipulated in the second part of this Article, shall signify recognizing the defendant as being not guilty and shall entail his rehabilitation in conformity with the procedure laid down by Chapter 18 of the present Code.

4. The judgement of conviction cannot be based on the suppositions and shall be passed only on the condition that in the course of the judicial proceedings the defendant's guilt in committing the crime was confirmed by the aggregate of the proof, studied by the court.

5. The judgement of conviction shall be passed:

1) prescribing a punishment to be served by the convict;

2) prescribing a punishment and relief from serving it; or

3) without prescribing a punishment.

6. The court shall pass the verdict of guilty in the case stipulated by Item 2 of the fifth part of this Article, if by the moment of passing the sentence:

1) an act of amnesty is issued, which absolves from the application of the punishment meted out to the convict by the given sentence;

2) the time of the defendant's being held in custody on the given criminal case with an account for the rules for offsetting the punishment, established by Article 72 of the Criminal Code of the Russian Federation, consumes the punishment, prescribed to the defendant by the court.

7. As it passes the judgement of conviction with the prescription of the punishment that shall be served by the convict, the court shall define precisely the form of the punishment, its size and the start of counting the term of serving it.

8. If the grounds for the termination of a criminal case and/or of the criminal prosecution, pointed out in Items 1-3 of the first part of Article 24 and in Items 1 and 3 of the first part of Article 27 of the present Code, are revealed in the course of the judicial proceedings, the court shall go on with an examination of the criminal case in the usual order, till resolving it on the merit. In the cases, envisaged by Items 1 and 2 of the first part of Article 24 and by Items 1 and 2 of the first part of Article 27 of the present Code, the court shall pass a judgement of acquittal, and in the cases, stipulated by Item 3 of the first part of Article 24 and by Item 3 of the first part of Article 27 of the present Code - a judgement of conviction with the relief of the convict from the punishment.

Article 303. Compiling the Sentence

1. After resolving the questions, pointed out in Article 299 of the present Code, the court shall move on to compiling the sentence. The sentence shall be rendered in the language in which the judicial proceedings were conducted, and shall consist of introductory, descriptive-motivation and resolutive parts.

2. The sentence shall be written by hand or made with the use of technical devices by one of the judges who has taken part in passing it. The sentence shall be signed by all the judges, including the judge who has reserved a dissenting opinion.

3. The corrections, made in the sentence shall be specified and certified with the signatures of all the judges in the retiring room before the proclamation of the sentence.

Article 304. Introductory Part of the Sentence

In the introductory part of the sentence shall be supplied the following information:

1) on passing the sentence on behalf of the Russian Federation;

2) the date and the place of passing the sentence;

3) the name of the court, which has passed the sentence, the composition of the court, the data on the secretary of the court session, on the public prosecutor, on the counsel for the defence, on the victim, the civil claimant and the civil defendant, and on their representatives;

4) the surname, name and patronymic of the defendant, the date and place of his birth, the place of his residence and of his work, the kind of his occupation, his education and his family status, and the other data on the defendant's person of importance to the criminal case;

5) the Item, part and Article of the Criminal Code of the Russian Federation, envisaging responsibility for the crime, with the perpetration of which the defendant is charged.

Article 305. Descriptive-Motivation Part of the Judgement of Acquittal

1. In the descriptive-motivation part of the judgement of acquittal shall be rendered:

1) the substance of the brought charge;

2) the circumstances of the criminal case, established by the court;

3) the grounds for the acquittal of the defendant and the proof confirming them;

4) the motives, on which the court rejects the proof presented by the party of the prosecution;

5) the motives of the decision with respect to the civil claim.

2. No formulations, which may put into doubt the absence of the acquitted person's guilt, shall be included into the judgement of acquittal.

Article 306. Resolutive Part of the Sentence of Acquittal

1. The resolutive part of the sentence of acquittal shall contain:

1) the surname, name and patronymic of the defendant;

2) a decision on recognizing the defendant as not guilty and the grounds for his acquittal;

3) a decision on cancelling the measure of restriction, if such was imposed;

4) a decision on the cancellation of measures, aimed at providing for the confiscation of the property, as well as of measures for the recompense of the damage, if such measures were taken;

5) an explanation of the procedure for the recompense of the damage, inflicted in connection with the criminal prosecution.

2. In passing the judgement of acquittal, a resolution or a ruling on the termination of the criminal case on the grounds, envisaged in Item 1 of the first part of Article 24 and in Item 1 of the first part of Article 27 of the present Code, the court refuses in the satisfaction of the civil claim. In the rest of the cases, the court shall leave the civil claim without examination. The court's leaving a civil claim without examination shall not be seen as an obstacle to its subsequent presentation and examination by way of the civil court proceedings.

3. In the event of passing the judgement of acquittal, issuing the decision or ruling on termination of criminal prosecution for the reasons provided for by Item 1 of Part One of Article 27 of this Code, as well as in other instances when the person subject to be brought to court as the

accused is not found, the court shall decide on forwarding the criminal case to the chief of an investigatory agency or the chief of an inquiry agency for carrying out the preliminary investigation and for finding the person subject to be brought to court as the accused.

Article 307. Descriptive-Motivation Part of the Judgement of Conviction

The descriptive-motivation part of the judgement of conviction shall contain:

1) a description of the criminal act, recognized as proved by the court, with an indication of the place, time and method of its perpetration, of the form of the guilt, of the motives, purposes and consequences of the crime;

2) the proof on which the conclusions of the court with respect to the defendant are based, and the motives on whose ground the court has rejected the other proof;

3) an indication of the circumstances, either mitigating or aggravating the punishment, and if the charge is found to be unsubstantiated in any one part, or if an incorrect qualification of the crime is established - the grounds and the motives for changing the charge;

4) the motives in the resolution of all the questions, concerning the meting out of a criminal punishment, relieving of it or serving it, as well as an application of other measures of impact;

4.1) the evidence underlying the court's conclusion that the property subject to confiscation has been received as the result of committing a crime or is deemed income from such property or has been used or intended for being used as an instrument of crime or for financing terrorism, an organised group, illegal armed formation or criminal community (criminal organisation);

5) the substantiation of the decisions taken on the other questions, pointed out in Article 299 of the present Code.

Article 308. Resolutive Part of the Judgement of Conviction

1. In the resolutive part of the judgement of conviction shall be pointed out:

1) the surname, name and patronymic of the defendant;

2) decision on recognizing the defendant as guilty of the perpetration of the crime;

3) the Item, part and Article of the Criminal Code of the Russian Federation envisaging liability for the crime, of the perpetration of which the defendant is recognized as guilty;

4) the kind and the size of the punishment, administered to the defendant for every crime, of the perpetration of which he is recognized as guilty;

5) the final measure of the punishment, subject to being served on the ground of Articles 69-72 of the Criminal Code of the Russian Federation;

6) the kind of the correctional institution, in which the person sentenced to the deprivation of freedom shall serve his term of punishment, and the regime of the given correctional institution;

7) the length of the probationary period in case of the conventional conviction and the liabilities, imposed in this case upon the convict;

8) the decision on the additional kinds of punishment in conformity with Article 45 of the Criminal Code of the Russian Federation;

9) the decision on offsetting the time of the preliminary holding in custody, if the defendant was detained before the sentence was passed, or if towards him were applied measures of restraint in the form of taking into custody or of the home arrest, or if he was put into a medical treatment or a mental stationary hospital;

10) the decision on the measure of restriction towards the defendant before the sentence comes into legal force.

2. If against the defendant is brought a charge in accordance with several Articles of the criminal law, in the resolutive part of the sentence shall be pointed out exactly, on which of them the defendant is acquitted and on which he is convinced.

3. If the defendant is relieved from serving the punishment, or if the sentence is passed without meting out a punishment, this shall also be pointed out in the resolutive part of the sentence.

Article 309. Other Questions to Be Resolved in the Resolutive Part of the Sentence

1. With the exception of the questions, pointed out in Articles 306 and 308 of the present Code, in the resolutive part of the sentence shall be contained:

1) the decision on the presented civil claim in conformity with the second part of this Article;

2) the resolution of the question of the demonstrative proof;

3) the decision on the distribution of the procedural outlays.

2. If it is necessary to perform additional computations, involved in the civil claim, which require a postponement of the judicial proceedings, the court may recognize the right of the civil claimant to the satisfaction of the civil claim and hand over the question of the size of the recompense on the civil claim for an examination by way of the civil court proceedings.

3. In the resolutive part of the sentence shall also be contained an explanation of the procedure and the time terms for filing an appeal against it in conformity with the demands of Chapters 43-45 of the present Code, as well as of the right of both the convicted and the acquitted person to file a petition for taking part in the examination of the criminal case by a court of the cassation instance.

Article 310. Pronouncement of the Sentence

1. After the sentence is signed, the court shall return to the courtroom and the presiding justice shall pronounce the judgement. All those present in the courtroom, including the composition of the court, shall listen to the pronouncement of the sentence while standing.

2. If the sentence is rendered in a language, of which the defendant has no command, the interpreter shall read out the simultaneous translation of the sentence into the language, of which the defendant has a good command, as the sentence is pronounced, or after it is pronounced.

3. If the defendant is sentenced to the capital punishment, the presiding justice shall explain to him his right to appeal for clemency.

4. If only introductory and resolutive parts of the sentence are announced in conformity with the seventh part of Article 241 of the present Code, the court shall explain to the participants in the judicial proceedings the procedure for getting acquainted with its full text.

Article 311. Release of the Defendant from Custody

The defendant, who is held in custody, shall be subject to immediate release in the courtroom, if:

1) a sentence of not guilty is passed;

2) a sentence of guilty without meting out a punishment is passed;

3) a sentence of guilty is passed with an administration of a punishment and with the relief from serving it;

4) a sentence of guilty is passed with an administration of a punishment other than the deprivation of freedom, or of a punishment in the form of the conditional deprivation of freedom.

Article 312. Handing In a Copy of the Sentence

The copies of the sentence shall be handed in within five days from its pronouncement to the convict or to the acquitted person, to his counsel for the defence and to the public prosecutor. Within the same term the copies of the sentence may also be handed in to the victim, the civil claimant, the civil defendant and to their representatives, if there is a petition from these persons.

Article 313. Questions to Be Resolved by the Court Simultaneously with Passing a Sentence

1. If the person, sentenced to the deprivation of freedom, has minors and other dependents, or parents advanced in years, who are in need of outside assistance, the court shall be obliged, simultaneously with passing the sentence, to pass a ruling or a resolution on handing over said persons into the care of the close relatives, relatives or other persons, or on placing them into the children's or into social institutions.

2. If the convict has the property or the dwelling quarters left without supervision, the court shall pass a ruling or a resolution on taking measures for their protection.

3. If in the criminal case is taking part an appointed counsel for the defence, the court shall be obliged, simultaneously with passing the sentence, to issue a ruling or a resolution on the amount of the remuneration to be paid out to him for rendering legal assistance.

4. All the decisions, stipulated by this Article, may be adopted upon a petition from the interested persons and after the pronouncement of the sentence.

Section X. Special Order of the Judicial Proceedings

Chapter 40. Special Procedure for Taking a Court Decision if the Accused Agrees with the Charge Brought Against Him

Article 314. Grounds for the Application of a Special Procedure for Taking a Court Decision

1. The defendant shall have the right, with the consent of the public or of the private prosecutor and of the victim, to declare that he agrees with the charge brought against him and to file a petition for passing a sentence without conducting the judicial proceedings on the criminal cases on the crimes, the punishment for which, stipulated by the Criminal Code of the Russian Federation, does not exceed ten years of the deprivation of freedom.

2. In the case, envisaged in the first part of this Article, the court shall have the right to pass a sentence without conducting the judicial proceedings in the general order, if it is convinced that:

1) the defendant realizes the character and the consequences of the petition he has filed;

2) the petition is filed voluntarily and after consulting the counsel for the defence.

3. If the court establishes that the conditions, stipulated by the first and the second parts of this Article, under which the defendant has filed the petition, have not been observed, it shall adopt the decision on an appointment of the judicial proceedings in the general order.

4. If the public or the private prosecutor and/or the victim object to the petition lodged by the defendant, the criminal case shall be examined in the general order.

Article 315. Procedure for Filing a Petition

1. A petition for passing a sentence without conducting the judicial proceedings in connection with the defendant's agreement with the charge brought against him, shall be declared by him in the presence of his counsel for the defence. If the counsel for the defence is not invited by the

defendant himself, by his legal representative or by another person on their orders, the participation of the counsel for the defence in the given case shall be provided for by the court.

2. The defendant shall have the right to file a petition:

1) at the moment of his getting acquainted with the materials of the criminal case, on which the corresponding entry shall be made in the protocol of getting acquainted with the criminal case materials in conformity with the second part of Article 218 of the present Code;

2) at the preliminary hearing, if such is obligatory in conformity with Article 229 of the present Code.

Article 316. Procedure for Holding Court Session and Passing the Sentence

1. A court session, on the defendant's petition for passing the sentence without carrying out judicial proceedings in connection with his/her agreement with the charge brought against him, shall be held in the procedure established by Chapters 35, 36, 38 and 39 of this Code subject to the requirements of this Article.

2. A court session shall be held with an obligatory participation of the defendant and of his counsel for the defence.

3. The defendant's petition for passing the sentence without carrying out court proceedings shall be considered as starting from the statement by the public prosecutor of the charge brought against him, or with the statement of the charge by the private prosecutor when dealing with criminal cases which involve private prosecution.

4. The judge shall question the defendant whether he/she understands the charge brought against him, whether he/she agrees with the charge and whether he/she sustains his/her petition for passing the sentence without carrying out court proceedings, whether the petition is made on a voluntary basis and after consulting with the defence counsel, whether he/she realizes the consequences of passing the sentence without carrying out court proceedings. If the victim attends the court session, the judge shall clarify his attitude to the defendant's petition.

5. The judge shall not carry out the examination and evaluation in the general procedure of the evidence related to a criminal case. With this, there may be examined the circumstances characterizing the defendant's personality and the circumstances mitigating or aggravating his/her punishment.

6. A judge, if the defendant, the public or private prosecutor or the victim object to passing the sentence without carrying out court proceedings, or on his/her own initiative, shall make a decision on terminating special court proceedings and on trying the criminal case in the general procedure.

7. If the judge arrives at the conclusion that the charge, with which the defendant has agreed, is substantiated and is confirmed by the proof

collected on the criminal case, he/she shall pass the sentence of conviction and shall mete out the punishment to the defendant, which may not exceed two-thirds of the maximum term or the extent of the strictest punishment envisaged for the committed crime.

8. The narrative and declarative part of the sentence of conviction has to contain the description of the criminal deed, whose commission is acknowledged by the defendant, as well as the court's conclusions on observing the terms of passing the sentence without carrying out court proceedings. The evidence analysis and the evaluation thereof by the judge shall not be shown in the sentence.

9. After pronouncing the sentence the judge shall explain to the parties the right to, and the procedure for, appealing against it provided for by Chapter 43 of this Code.

10. The procedural outlays provided for by Article 131 of this Code shall not be exacted from the defendant.

Article 317. Limits for an Appeal Against the Sentence

The sentence, passed in conformity with Article 316 of the present Code, cannot be appealed against in accordance with the statutory or the cassation procedure on the ground, stipulated by Item 1 of Article 379 of the present Code.

Section XI. Specifics of the Proceedings for a Justice of the Peace

Chapter 41. Proceedings on Criminal Cases, Placed under the Jurisdiction of the Justice of the Peace

Article 318. Institution of a Criminal Case of the Private Prosecution

1. Criminal cases on the crimes indicated in Item Two of Article 20 of this Code shall be instituted with respect to a specific person by way of submission by a victim or his legal representative of an application to a court, except for the cases stipulated by Point 2 of Item One and Item four of Article 147 of this Code.

2. If the victim has died, the criminal case shall be instituted by way of filing an application by a close relative of his, or in the procedure established by the third part of this Article.

3. A criminal case may be instituted by an investigator, as well as by an inquirer with the consent of the prosecutor in the cases provided for by Part Four of Article 20 of this Code. With this, the investigator shall start a preliminary investigation and the inquirer shall start an inquiry.

4. The entry of the public prosecutor into the criminal case shall not deprive the parties of the right to the reconciliation.

5. The application shall contain:

1) the name of the court, with which it is filed;

2) a description of the event of the crime, of the place and time, as well as of the circumstances of committing it;

3) the request, addressed to the court, for the criminal case to be accepted for the proceedings;

3.1) information about the victim and also about the documents identifying his identity;

4) the data on the person made criminally liable;

5) the list of the witnesses, who must be summoned to the court;

6) the signature of the person, who has filed it.

6. The application shall be filed to the court with an enclosure of its copies in accordance with the number of the persons, with respect to whom the criminal case of the private prosecution is being instituted. The applicant shall be warned about criminal responsibility for a deliberately false denunciation in accordance with Article 306 of the Criminal Code of the Russian Federation, about which in the application there shall be made a note which shall be attested with a signature of the applicant. Simultaneously the justice of the peace shall explain to the applicant his right to reconciliation with the person in whose respect the application has been submitted.

7. As from the moment of the court's acceptance of the application for its proceedings, about which a ruling shall be rendered, the person who has filed it shall be seen as the private prosecutor. To him shall be explained the rights, stipulated by Articles 42 and 43 of the present Code, on which a protocol shall be compiled, which shall be signed by the judge and by the person who has filed the application.

8. If it is established after the acceptance of an application for proceedings that the victim, because of his dependent or helpless state or for other reasons, cannot defend his rights and legal interests, then the justice of the peace can deem it necessary that a legal representative of the victim and the procurator participate in the case.

Article 319. Powers of the Justice of the Peace on a Criminal Case of the Private Prosecution

1. If the lodged application does not satisfy the demands of the fifth and the sixth parts of Article 318 of the present Code, the justice of the peace shall pass a resolution on sending the application back to the person who has filed it, in which it is suggested to the latter that he make the application correspond with the said demands and the term is fixed for doing this. If this directive of the justice of the peace is not fulfilled, the justice of the peace shall refuse to accept the application for his proceedings and shall notify to this effect the person who has filed it.

1.1. In the event that a submitted application does not meet the requirements of Point 4 of Item Five of Article 318 of this Code, then the justice of the peace shall refuse to accept the application for his proceedings and shall send it to the chief of an investigatory agency or the

chief of an inquiry agency for deciding the issue of instituting a criminal case in accordance with Item Four of Article 20 of this Code, about which he shall notify the person who has submitted the application.

1.2. If the application has been submitted with respect to a person indicated in Point 2 of Item 1 of Article 147 of this Code, then the justice of the peace shall refuse to accept the application for his proceedings and shall send it to the head of the investigative body for deciding the issue of instituting a criminal case in the procedure established by Article 448 of this Code, about which he shall notify the person who has submitted the application.

2. Upon the petition of the parties, the justice of the peace shall have the right to render them assistance in collecting the proof which they cannot obtain on their own.

3. If there are grounds for an appointment of a court session, the justice of the peace shall summon the person, with respect to whom the application is filed, within seven days from the arrival of the application to the court, shall acquaint him with the criminal case materials, hand in to him a copy of the filed application, explain to him the rights of the defendant in the court session, stipulated by Article 47 of the present Code, and find out who shall be summoned to the court as the witnesses of the defence in the opinion of the given person, on which a recognizance shall be taken from him.

4. If the person, with respect to whom the application is filed, does not come to the court, a copy of the application with an explanation of the defendant's rights, as well as of the terms and the order for the parties' reconciliation shall be forwarded to the defendant.

4.1. If it is established after the acceptance of an application for proceedings that the person in those respect the application has been submitted belongs to the category of persons indicated in Article 447 of this Code, then the justice of the peace shall render a ruling on cancelling the ruling on the acceptance of the application of the victim or of his legal representative for his proceedings and shall send the materials to the head of the investigative body for deciding the issue of instituting a criminal case in the procedure established by Article 448 of this Code, about which he shall notify the victim or his legal representative.

5. The counsel for the defence shall explain to the parties the possibility of the reconciliation. If applications for the reconciliation arrive from them, the proceedings on the criminal case shall be stopped at the resolution of the justice of the peace in conformity with the second Part of Article 20 of the present Code, except for the proceedings in criminal cases instituted by the investigator, as well as by the inquirer with the consent of the prosecutor in accordance with fourth Part of Article 147 of this Code, which can be terminated in connection with reconciliation of the parties in the procedure established by Article 25 of this Code.

6. If no reconciliation between the parties is reached, the justice of the peace, after fulfilling the demands of the third and the fourth parts of this Article, shall appoint an examination of the criminal case in a court session in accordance with the rules, stipulated by Chapter 33 of the present Code.

Article 320. Powers of the Justice of the Peace on a Criminal Case with a Bill of Indictment

On a criminal case with the bill of indictment, which has arrived at the court, the justice of the peace shall carry out preliminary actions and shall adopt the decision in accordance with the procedure established by Chapter 33 of the present Code.

Article 321. Examination of a Criminal Case in a Court Session

1. The justice of the peace shall examine a criminal case as per the general procedure with the exceptions stipulated by this Article.

2. The judicial proceedings shall be started not earlier and not later than 14 days from the day of arrival of the application or of the criminal case at the court.

3. An examination of the application on a criminal case of the private prosecution may be combined into one procedure with an examination of the counter application. Combining the applications shall be admissible on the ground of a resolution of the justice of the peace before the court investigation is started. If the applications are combined into a single procedure, the persons who have filed them, shall take part in the criminal court proceedings simultaneously, as the private prosecutor and the private defendant. To prepare for the defence in connection with the filed counter application and with the combining of the procedures, upon the petition of the person, with respect to whom the counter application is filed, the criminal case may be put off for a term of not over three days. An interrogation of these persons about the circumstances they have exposed in their applications shall be conducted in accordance with the rules for an interrogation of the victim, and about the circumstances described in the counter complaints - in accordance with the rules for an interrogation of the defendant.

4. The prosecution in the court session shall be supported by:

1) the public prosecutor - in the cases, stipulated by the fourth part of Article 20 and by the third part of Article 318 of the present Code;

2) the private prosecutor - on criminal cases of the private prosecution.

5. The judicial investigation on criminal cases of the private prosecution shall start with the private prosecutor or his representative presenting the application. If on the criminal case of the private prosecution is simultaneously examined the counter application, its arguments shall be rendered in the same order, after rendering the arguments of the principal

application. The prosecutor shall have the right to present proof, to take part in its study and to express his opinion to the court on the merit of the charge, on the application of the criminal law and on meting out the punishment to the defendant, as well as on the other questions arising in the course of the judicial proceedings. The prosecutor may modify the charge, unless this aggravates the defendant's position or violates his right to the defence, and has the right to renounce the charge.

6. If, in the course of judicial proceedings, in the actions of the person in whose respect the application has been submitted there are established certain indicia of a crime not stipulated by Item Two of Article 20 of this Code, then the justice of the peace shall render a ruling on terminating the criminal prosecution on the case and sending the materials to the chief of an investigatory agency or the chief of an inquiry agency for deciding the issue of instituting a criminal case in the procedure of public or private-and-public accusation, about which he shall notify the victim or his legal representative.

Article 322. Sentence of a Justice of the Peace

The sentence shall be passed by a justice of the peace in accordance with the procedure, established by Chapter 39 of the present Code.

Article 323. Filing an Appeal Against the Sentence and the Resolution of a Justice of the Peace

1. The sentence of a justice of the peace may be appealed against by the parties in the course of ten days from the day of its pronouncement in accordance with the procedure, laid down by Articles 354 and 355 of the present Code.

2. Within the same term from the day of passing them may also be appealed against the resolution of a justice of the peace on the termination of a criminal case and against his other resolutions.

3. A complaint or a presentation of the public prosecutor shall be handed in to the justice of the peace and directed by him, together with the materials of the criminal case, to the district court for an examination by way of an appeal.

Section XII. Specifics of the Proceedings in a Court with the Participation of Jurors

Chapter 42. Proceedings on Criminal Cases Considered by a Court with the Participation of Jurors

Article 324. Order of the Proceedings in a Court with the Participation of Jurors

The proceedings in a court with the participation of jurors shall be conducted in the general order with an account for the specifics, stipulated by this Chapter.

Article 325. Specifics in Conducting a Preliminary Hearing

1. The preliminary hearing in a court with the participation of jurors shall be performed in the order, established by Chapter 34 of the present Code, while taking into account the demands of this Article.

2. A criminal case, in which several defendants are brought to the bar, shall be considered by a court with the participation of jurors with respect to all the defendants, even if only one of them enters a petition for an examination of the criminal case by a court in such composition.

3. If the defendant has not entered a petition on his case to be considered by a court with the participation of jurors, the given criminal case shall be examined by another composition of the court in the order, laid down by Article 30 of the present Code.

4. In the resolution on an appointment of a criminal case to a hearing by a court with the participation of jurors shall be defined the number of the candidates for jurors, who shall be summoned to a court session and whose number shall be at least twenty, and shall be pointed out whether the court session is going to be open, closed or partially closed. In the last case, the court shall determine what part of the forthcoming session is going to be closed.

5. The resolution of the judge on the consideration of the criminal case with the participation of jurors is final. A subsequent refusal of the defendant from an examination of the case by a court with the participation of jurors shall not be accepted.

6. A copy of the resolution shall be handed in to the parties at their request.

Article 326. Compiling a Preliminary List of Jurors

1. After an appointment of the court session, the secretary of the court session or the deputy judge shall select on the orders of the presiding justice the candidates for jurors out of those entered into the general and reserve lists, kept in the court, randomly.

2. The secretary of the court session or the deputy judge shall check whether there exist any circumstances stipulated by a federal law, interfering with the given person's participation as a juror in the examination of the criminal case.

3. One and the same person cannot take part in the court sessions in the capacity of a juror more than once in the course of one year.

4. After selecting the candidates for jurors for taking part in the examination of the criminal case, a preliminary list shall be compiled with an indication of their surnames, names, patronymics and home addresses, which shall be signed by the secretary of the court session or by the deputy

judge who has compiled the given list. Persons who by virtue of circumstances established by a federal law cannot participate in the consideration of a criminal case as jurors shall not be included in the preliminary list of candidates to jurors.

5. The surnames of the candidates for jurors shall be entered into the list in the order, in which the random option was made.

6. To the candidates for jurors shall be handed in notifications, where the date and the hour of their appearance at the court are pointed out, not later than seven days before the start of the judicial proceedings.

7. From the performance of the duties of jurors by their oral or written application the presiding judge may release persons older than 60; women having a child under three years of age; persons who by virtue of their religious convictions consider it impossible for them to take part in the administration of justice; persons whose distraction from the performance of their official duties may inflict essential harm to social or state interests; other persons having valid reasons for nonparticipation in a court session.

Article 327. Preparatory Part of a Court Session

1. The preparatory part of a court session with the participation of jurors shall be carried out in the procedure established by Chapter 36 of the present Code, with an account for the demands of this Article.

2. After a report on the appearance of the parties and of the other participants in the criminal court proceedings, the secretary of the court session or the deputy judge shall report on the appearance of the candidates for jurors.

3. If less than twenty candidates for jurors have come to the court session, the presiding justice shall give an order on an additional summons of candidates for jurors to the court.

4. The lists of the candidates for jurors who have come to the court session, shall be handed in to the parties without an indication of their home addresses.

5. While explaining their rights to the parties, the presiding justice, in addition to the rights stipulated in the corresponding articles of Part One of the present Code, shall be also obliged to explain to them:

1) the right to enter a motivated objection to a juror;

2) the right of the defendant or his counsel for the defence to a motivated rejection of a juror, which may be declared by every participant twice;

3) the other rights, stipulated by the present Chapter, as well as the legal consequences of not exercising these rights.

Article 328. Formation of a College of Jurors

1. After the presiding justice fulfills the demands of Article 327, the attending candidates for jurors shall be invited to the courtroom.

2. The presiding justice shall make a brief introductory speech before the candidates for jurors, in which he shall:

1) introduce himself to them;

2) introduce the parties;

3) explain what criminal case is subject to examination;

4) indicate the supposed duration of the judicial proceedings;

5) explain the goals facing the jurors and the terms for their participation in the examination of the given criminal case, stipulated by the present Code.

3. The presiding justice shall explain to the candidates for jurors their liability to truthfully answer the questions put to them and to give the necessary information on themselves and on their relationships with the other participants in the criminal court proceedings. After this, the presiding justice shall ask the candidates for jurors about the existence of any circumstances that may interfere with their participation in the capacity of jurors in the examination of the criminal case.

4. Every one of the candidates for jurors who have come to the court session shall have the right to point out the reasons, preventing him from the performance of the duties of a juror, and to enter a self-rejection.

5. On the petitions from the candidates for jurors on the impossibility for them to take part in the court proceedings shall be heard out the opinion of the parties, after which the judge shall adopt the decision.

6. The candidates for jurors, whose petitions for their relief from the participation in examining the criminal case are satisfied, shall be struck off the preliminary list and removed from the courtroom.

7. After the satisfaction of the self-rejections of the candidates for jurors, the presiding justice shall suggest that the parties avail themselves of their right to enter a motivated objection.

8. The presiding judge shall give the parties an opportunity to put questions to every one of the remaining candidates for jurors, which in their opinion have a bearing on the elucidation of the circumstances, interfering with the participation of the person in question in considering the given criminal case in the capacity of a juror. The defence shall be the first to question candidates for jurors. If a party is represented by several participants, the order of their participation in questioning effected by the party shall be established, as agreed by them.

9. After putting questions to the candidates for jurors is completed, every one candidate shall be discussed in the sequence of their presentation in the list of candidates. The presiding justice shall ask the parties whether they have any objections to raise in connection with the circumstances, preventing the given person from taking part in the consideration of the criminal case in the capacity of a juror.

10. The parties shall submit to the presiding justice the motivated petitions for the objections in writing, while not reading them out. These petitions shall be resolved by the judge without departure to the retiring

room. The rejected candidates for jurors shall be struck off the preliminary list.

11. The presiding justice shall bring his decision on the motivated objections to the knowledge of the parties. He may also bring his decision to the knowledge of the candidates for jurors.

12. If as a result of the satisfaction of the announced self-rejections and of the motivated objections less than eighteen candidates for jurors are left, the presiding judge shall take measures, stipulated by the third part of Article 327 of the present Code. If the number of the remaining candidates for jurors is eighteen or more, the presiding justice shall propose that the parties put forth unmotivated objections.

13. The unmotivated objections to the jurors shall be put forth by the persons, mentioned in Item 2 of the fifth part of Article 327 of the present Code, by way of striking off the received preliminary list the names of the rejected candidates for jurors, after which these lists shall be handed over to the presiding justice without reading out the surnames of the rejected jurors. These lists, as well as the motivated petitions on the rejection of jurors shall be enclosed to the criminal case materials.

14. The first to put forth an unmotivated objection shall be the public prosecutor, who shall agree his position on the objections with the other participants in the criminal court proceedings on the side of the prosecution.

15. If several defendants are taking part in the criminal case, an unmotivated objection shall be made with their mutual consent, and if no consensus is reached - by equally dividing the number of the rejected jurors between them, if possible. If such division is impossible, the defendants shall realize their right to an unmotivated objection by the majority vote or by casting lots.

16. If the number of the unrejected jurors allows for this, the presiding justice may grant to the parties the right to an equal number of additional unmotivated objections.

17. After all questions involved in the self-rejections and in the objections to the candidates for jurors are dealt with, the secretary of the court session or the deputy judge shall compile on the orders of the presiding justice a list of the remaining candidates for jurors in that sequence, in which they were entered into the initial list.

18. If the number of the unrejected candidates for jurors exceeds fourteen, into the protocol of the court session, on the orders of the presiding justice shall be entered the first fourteen candidates in the list. Taking into account the character and the complexity of the criminal case, per the decision of the presiding justice may be selected a greater number of reserve jurors, who shall also be entered into the protocol of the court session.

19. After this, the presiding judge shall announce the results of the selection, while not pointing out the reasons for the removal from the list of certain candidates for jurors, and shall thank the rest of the candidates.

20. If the remaining candidates for jurors are less than fourteen, the necessary number of persons shall be summoned to the court in addition, in accordance with the reserve list. With respect to the candidates for jurors, newly summoned to the court, the questions involved in relieving them from the participation in considering the criminal case and in the relevant objections shall be resolved in the order established in this Chapter.

21. The presiding justice shall read out the surnames, names and patronymics of the jurors, entered into the protocol of the court session. The first twelve jurors shall form a college of jurors on the criminal case, and the last two shall take part in the examination of the criminal case in the capacity of the reserve jurors.

22. After the formation of the college of jurors is completed, the presiding justice shall propose to the twelve jurors to occupy the seats assigned for them in the jury box, which shall be separated from those present in the courtroom and shall be as a rule situated opposite the dock. The reserve jurors shall take in the jury box the seats, specially assigned for them by the presiding justice.

23. The college of jurors shall be formed in camera.

24. If in the criminal case materials is contained the information comprising the state or other kinds of secrets protected by the federal law, the jurors shall give a written signed recognizance not to divulge it. A juror who refuses to issue such recognizance shall be rejected by the presiding justice and shall be replaced with a reserve juror.

Article 329. Replacement of a Juror with a Reserve One

1. If in the course of the judicial proceedings but before the jurors depart to the residing room for passing the verdict it is found out that some one of the jurors cannot go on participating in the court session, they shall be replaced with reserve jurors in the sequence as is observed in the list when forming the college of jurors on the criminal case.

2. If in the course of the judicial proceedings the senior juror leaves the ranks, he shall be replaced by carrying out a repeated election in accordance with the procedure, established by Article 331 of the present Code.

3. If the number of the jurors, who have left the ranks, exceeds the number of the reserve jurors, the judicial proceedings shall be recognized as invalid. In this case, in conformity with Article 328 of the present Code, the presiding justice shall start a new selection of jurors, in which those jurors who have been discharged in connection with the disbandment of the college, may also take part.

4. If the impossibility for one of the jurors to participate in the court session is exposed during the passing of the verdict, the jurors shall be obliged to enter the courtroom, to replenish the college at the expense of the reserve jurors and to depart for a further discussion of the verdict.

Article 330. Dismissal of the Jury Because of the Biased Nature of Its Composition

1. Before the jurors' adjuration, the parties shall have the right to announce that on account of the specifics of the criminal case under consideration, the formed college of jurors as a whole may prove to be incapable of passing an objective verdict.

2. Having heard out the parties' opinion, the presiding justice shall resolve the given statement in the retiring room and shall pass a resolution.

3. If the statement is recognized as substantiated, the presiding justice shall disband the jury and shall resume the preparations to an examination of the criminal case by a court with the participation of jurors in conformity with Article 324 of the present Code.

Article 331. Senior Juror

1. The jurors, included into the composition of the jury, shall elect by a majority vote the senior juror, who shall inform the presiding justice about his election.

2. The senior juror shall guide the course of the jurors' conference, shall address the presiding justice with questions and requests on their behalf, shall announce the questions put by the court and write down the answers to them, shall sum up the results of the voting, formalize the verdict and, on the presiding justice's directions, shall proclaim it in the court session.

Article 332. Taking an Oath by the Jurors

1. After the senior juror is elected, the presiding justice shall address the jurors with a proposal that they take an oath and shall read out its text: "As I begin the discharge of the juror's responsible duties, I hereby solemnly swear to discharge them honestly and without a bias, to take into account all the proof considered in court, both those exposing the defendant and acquitting him, and to resolve the criminal case in accordance with my inner conviction and conscience, not acquitting a guilty person and not condemning an guilty one, as befits a free citizen and a just man."

2. Having pronounced the text of the oath, the presiding justice shall call out according to the list the surnames of the jurors, each of whom shall respond to the presiding justice's address with the words: "I swear".

3. The oath shall also be taken by the reserve jurors.

4. In the protocol of the court session shall be made a note on taking the oath.

5. All those present in the courtroom shall hear out the text of the oath and its swearing while standing.

6. After the oath is sworn, the presiding justice shall explain to the jurors their rights and duties.

Article 333. Rights of the Jurors

1. The jurors, including the reserve jurors, shall have the right:

1) to participate in the study of all circumstances of the criminal case, to put questions to the interrogated persons through the presiding justice and to take part in the examination of the demonstrative proof and of the documents, as well as in the performance of other investigative actions;

2) to request the presiding justice to explain the norms of the law concerning the criminal case, the content of the documents read out in court and the other issues and concepts they find to be vague;

3) to make their own notes and to use them when preparing in the retiring room the answers to the questions put to the jurors.

2. The jurors shall have no right:

1) to leave the courtroom during the hearing out of the criminal case;

2) to express their opinion on the criminal case under examination before the questions are discussed in passing the verdict;

3) to communicate with the persons, who are not included into the composition of the court, in connection with the circumstances of the criminal case under examination;

4) to collect information on the criminal case out of the court session;

5) to divulge the secret of the jurors' conference and voting on the questions put to them.

3. For the failure to come to the court without a serious reason, on the juror may be imposed a monetary penalty in the order established by Article 118 of the present Code.

4. The presiding justice shall warn the jurors that if they violate the demands stipulated in the second part of this Article, the juror may be discharged from further taking part in the examination of the criminal case at the initiative of the judge or at the parties' petition. In this case, the discharged juror shall be replaced with a reserve juror.

Article 334. Powers of the Judge and of the Jurors

1. In the course of the judicial proceedings on the criminal case, the jurors shall resolve only those questions that are envisaged by Items 1, 2 and 4 of the first part of Article 299 of the present Code and that are formulated in the list of questions. If they find the defendant to be guilty, the jurors shall also point out in conformity with Article 339 of the present Code whether the defendant deserves leniency.

2. The questions, not mentioned in the first part of this Article, shall be resolved without the participation of the jurors, by the presiding justice alone.

Article 335. Specifics of the Judicial Investigation in a Court with the Participation of Jurors

1. The judicial investigation in a court with the participation of jurors shall start with the introductory statements, made by the public prosecutor and by the counsel for the defence.

2. In the introductory statement the public prosecutor shall expound the substance of the brought charge and shall offer the procedure for the study of the proof he has supplied.

3. The counsel for the defence shall express his position on the brought charge, agreed with the defendant, and his opinion on the procedure for the study of the proof supplied by him.

4. The jurors shall have the right, after an interrogation by the parties of the defendant, the victim, the witnesses and the expert, to put questions to them through the presiding justice. The questions shall be formulated by the jurors in writing and shall be submitted to the presiding justice through the senior juror. These questions shall be formulated by the presiding justice and may be rejected by him as having no bearing on the brought charge.

5. The judge may exclude from the criminal case the proof, the inadmissibility of which is revealed in the course of the judicial proceedings, either at his own initiative or upon a petition from the parties.

6. If in the course of the judicial proceedings the question arises concerning the inadmissibility of the proof, it shall be treated in the absence of the jurors. Having heard out the parties' opinion, the judge shall take the decision on the removal of the proof which he has recognized to be inadmissible.

7. In the course of the judicial proceedings, subject to an investigation in the presence of the jurors shall be only the factual circumstances of the criminal case, the proving of which is to be established by the jurors in conformity with their powers, stipulated by Article 334 of the present Code.

8. The data on the defendant's personality shall be studied with the participation of the jurors only in that measure in which they are necessary for establishing the individual signs of the corpus delicti of the crime, of the perpetration of which he is accused. It is prohibited to investigate the facts of the defendant's past criminal record, of his being recognized as a chronic alcoholic or drug addict, as well as the other data that may give birth to a bias in the jurors with respect to the defendant.

Article 336. Parties' Presentations

1. After the end of the judicial proceedings, the court shall pass on to hearing out the parties' presentations, which shall be carried out in conformity with Article 292 of the present Code.

2. The parties' presentations shall be conducted only within the range of the questions, subject to resolution by the jurors. The parties have no

right to touch upon the circumstances which shall be examined after they pass the verdict, without the participation of the jurors. If a participant in the parties' presentations mentions such circumstances, the presiding justice shall stop him short and shall explain to the jurors that they must not take these circumstances into account as they pass the verdict.

3. The parties shall have no right to refer in the substantiation of their stand to the circumstances that have been recognized in the established order as inadmissible or that have not been studied in the court session. The judge shall interrupt such statements and explain to the jurors that they shall not take the given circumstances into account when passing the verdict.

Article 337. Retorts of the Parties and the Last Plea of the Defendant

1. After the end of the parties' presentations, all the participants in them shall have the right to a retort. The right of the last retort belongs to the counsel for the defence and to the defendant.

2. To the defendant shall be granted the right to the past plea in conformity with Article 293 of the present Code.

Article 338. Raising Questions to Be Resolved by the Jurors

1. The judge shall formulate in writing the questions, subject to resolution by the jurors, with an account for the results of the judicial investigation and the parties' presentations, shall read them out and hand them in to the parties.

2. The parties shall have the right to make comments on the content and the formulation of the questions and to submit proposals on raising new questions. In this case the judge shall have no right to refuse the defendant or his counsel for the defence in raising questions about the existence of the factual circumstances on the criminal case excluding the defendant's responsibility for the perpetrated crime or entailing his responsibility for a less serious crime.

3. For the time of the discussion and the formulation of the questions, the jurors shall depart from the courtroom.

4. The judge shall finally formulate the questions, subject to resolution by the jurors, with an account for the parties' comments and proposals, and shall enter them into the list of questions, which he shall sign.

5. The list of questions shall be read out in the presence of the jurors and shall be handed over to the senior juror. Before they depart to the retiring room, the jurors shall have the right to receive from the presiding justice explanations concerning the ambiguities in their comprehension of the questions put to them, while not touching upon the substance of the probable answers to these questions.

Article 339. Content of Questions Put to the Jurors

1. On every act, with the perpetration of which the defendant is charged, three basic questions shall be put:

1) whether it is proven that the act has taken place;

2) whether it is proven that the act was committed by the defendant;

3) whether the defendant is guilty of the perpetration of this act.

2. In the list of questions may be put only one basic question, on the defendant's being guilty, which is in fact a combination of the questions, pointed out in the first part of this Article.

3. After the basic question about the defendant's being guilty, private questions may be put on such circumstances that affect the extent of the guilt or change its character, or entail the defendant's relief from liability. If necessary, questions on the degree to which the criminal intention was carried out may also be raised, on the reasons, by force of which the act was not brought to an end and on the extent and the character of the complicity of each of the defendants in the perpetration of the crime. The questions, making it possible to establish the guilt of the defendant in committing a less serious crime, shall also be admissible, unless this aggravates the position of the defendant or interferes with his right to the defence.

4. If the defendant is recognized as guilty, the question is put whether he deserves lenience.

5. Not to be put, either separately or in the composition of other questions, shall be questions, demanding from the jurors a juridical qualification of the defendant's status (on his past criminal record), as well as the other questions, requiring an authentically juridical estimate when the jurors are passing their verdict.

6. The formulation of questions shall not allow that in any answer to them may be contained a recognizing of the defendant to be guilty of the perpetration of an act, for which the public prosecutor has not brought a charge against him or does not support the charge at the moment when the questions are raised.

7. The questions, subject to resolution by the jurors, shall be put with respect to every defendant separately.

8. The questions shall be put in the formulations, comprehensive for the jurors.

Article 340. The Charging Word of the Presiding Justice

1. Before the college of jurors departs to the retiring room for passing a verdict, the presiding justice shall address the jurors with the charging word.

2. When pronouncing the charging word, the presiding justice shall be prohibited to express in any form his own opinion on the questions, put to the jury.

3. The presiding justice in his charging word shall:

1) expound the content of the charge;

2) inform about the content of the criminal law, stipulating responsibility for committing the act, with which the defendant is charged;

3) remind about the proof, studied in the court, both those exposing the defendant and those acquitting him, while not expressing his own attitude to these proof and not making conclusions from them;

4) present the stand of the public prosecutor and of the defence;

5) explain to the jurors the principal rules for an assessment of the proof in aggregate; the substance of the principle of the presumption of innocence; the provision on interpreting the uneliminated doubts in favour of the defendant; the provision that their verdict may be based only on those proof that have been directly studied in the court session, that no proof shall possess in their eyes any power established in advance and that their conclusions cannot rely on the suppositions or on the proof, recognized by the court as inadmissible;

6) draw the attention of the jury to the fact that the defendant's refusal from giving evidence or his keeping silence while in court have no legal importance and cannot be interpreted as a testimony of the defendant's guilt;

7) explain the procedure for the jurors' conference, for preparing the answers to the questions put to them, for their voting on the answers and for passing the verdict.

4. The presiding justice shall end his charging word by reminding the jurors about the content of the oath they have taken and shall draw their attention to the fact that if they pass a verdict of guilty, they may still recognize that the defendant deserves leniency.

5. Having heard out the charging word of the presiding justice and having got acquainted with the questions put to them, the jurors shall have the right to receive from him additional explanations.

6. The parties have the right to put forth in the court session their objections to the content of the charging word of the presiding justice on the motives of his violating the principle of objectivity and impartiality.

Article 341. Secret of the Jurors' Conference

1. After the charging word of the presiding justice, the jury shall depart to the retiring room for passing a verdict.

2. The presence in the retiring room of any other persons except for the college of jurors shall be inadmissible.

3. When the night time comes, and with the permission of the presiding justice also after the end of the working hours, the jurors shall have the right to interrupt their conference for a rest.

4. The jurors shall not divulge the judgements pronounced during the conference.

5. The jurors' notes, made during the court session, may be used by them in the retiring room as they prepare the answers to the questions put to the jurors.

Article 342. Procedure for Holding the Conference and the Voting in the Retiring Room

1. The conference of the jurors shall be guided by the senior juror, who shall submit questions for a discussion in the sequence, established in the list of questions, shall hold the voting on the answers to them and shall count the votes.

2. The votes shall be cast by a show of hands.

3. None of the jurors shall have the right to abstain from the voting.

4. The senior juror shall be the last to cast his vote.

Article 343. Passing a Verdict

1. When discussing the questions put to them, the jurors shall try to reach unanimous decisions. If the jurors have not succeeded in reaching unanimity in the course of three hours, the decision shall be adopted by voting.

2. The verdict of guilty shall be seen as passed, if the majority of the jurors have cast their votes in favour of the affirmative answers to each of the three questions, presented in the first part of Article 339 of the present Code.

3. The verdict of not guilty shall be seen as passed, if at least six jurors have voted for the negative answer to any one of the basic questions, formulated in the list of questions.

4. The answers to the other questions shall be defined by a simple majority of the jurors' votes.

5. If the votes are divided equally, the answer that is the most favourable for the defendant shall be accepted.

6. If the verdict of guilty is passed, the jurors shall have the right to modify the charge, making it more favourable for the defendant.

7. The answers to the questions put to the jurors shall amount to either the confirmation or the negation, with an obligatory explanatory word or phrase, interpreting or specifying the meaning of the answer ("Yes, guilty", or "No, not guilty", etc.).

8. The answers to the questions shall be entered by the senior juror into the list of questions immediately after each of the corresponding questions. If the answer to the previous question excludes the need to provide the answer to the next question, the senior juror shall write down after it the words, "No answer", with the consent of the majority of the jurors.

9. If the answer to the question is passed by voting, the senior juror shall point out after the answer the result of counting the votes.

10. The list of questions with the entered answers to the questions put to the jurors shall be signed by the senior juror.

Article 344. Additional Explanations of the Presiding Justice. Resumption of the Judicial Investigation

1. If in the course of their conference the jurors come to the conclusion that additional explanations on the raised questions shall be received from the presiding justice, they shall come back into the courtroom and the senior juror shall address the presiding justice with the corresponding request.

2. The presiding justice shall provide the necessary explanations in the presence of the parties or, having heard out the parties' opinion, shall enter, if necessary, the corresponding specifications into the relevant questions, or shall extend the list of questions with new questions.

3. The presiding justice shall pronounce a brief charging word concerning the amendments introduced into the list of questions, which shall be reflected in the protocol.

4. After this, the jurors shall return to the retiring room for passing a verdict.

5. If certain doubts arise during the conference among the jurors on some of the factual circumstances of the criminal case, which are of an essential importance for the answers to the put questions and require an additional study, they shall come back into the courtroom and the senior juror shall address the relevant request to the presiding justice.

6. The presiding justice, having heard out the parties' opinion, shall resolve the issue of the resumption of the judicial proceedings. After the end of the judicial proceedings, certain specifications may be introduced into the questions put to the jurors, or new questions may be formulated, with an account for the parties' opinion. Having heard out the speeches and the retorts of the parties on the newly studied circumstances, the last plea of the defendant and the charging word of the presiding justice, the jurors shall again depart to the retiring room to pass a verdict.

Article 345. Proclamation of the Verdict

1. After signing the list of questions with the answers to the put questions entered into it, the jurors shall come back to the courtroom.

2. The senior jury member shall pass the questionnaire with answers entered therein to the chairperson. If there no remarks, the chairperson shall return the questionnaire to the senior jury member to be read out. If the chairperson finds the verdict vague or contradictory he/she shall indicates this fact to the jury and ask them to return to the discussion room to amend the questionnaire. Also after hearing the opinions of the parties the chairperson is entitled to add questions to the questionnaire. Having heard a brief instructive speech by the chairperson concerning the changes in the questionnaire, the jury shall return to the discussion room to draw up a verdict.

3. The senior juror shall proclaim the verdict, reading out from the list of questions the questions, put by the court, and the jurors' answers to them.

4. All those attending in the courtroom shall hear out the verdict while standing.

5. The proclaimed verdict shall be handed over to the presiding justice to be enclosed to the materials of the criminal case.

Article 346. Actions of the Presiding Justice After the Proclamation of the Verdict

1. When a jury passes a verdict on the defendant being not guilty, the presiding justice shall declare the defendant to be acquitted. In this case the defendant, held in custody, shall be immediately released from it right in the courtroom.

2. After the proclamation of the verdict, the presiding justice shall thank the jurors and shall declare the end of their participation in the judicial proceedings.

3. The consequences of the verdict shall be discussed without the jurors' participation. The jurors shall have the right to stay in the courtroom till the end of the examination of the criminal case on the seats assigned for the public.

Article 347. Discussion of the Consequences of the Verdict

1. After the jurors' verdict is proclaimed, the judicial proceedings shall be continued with the participation of the parties.

2. If the jurors have passed the verdict of not guilty, under the discussion shall be put only the questions, involved in the resolution of the civil claim, in the distribution of the court outlays and in the demonstrative proof.

3. If the verdict of guilty is passed, under the study shall come the circumstances involved in the classification of the act perpetrated by the defendant, in the administration of punishment to him, in the resolution of the civil claim and in the other issues to be resolved by the court in connection with the passed sentence of conviction. Upon completing the study of the said circumstances, the presentations of the parties shall be conducted, in which the last to take the floor shall be the counsel for the defence and the defendant.

4. In their presentations, the parties may touch upon any legal matters subject to resolution, if the court has passed the sentence of conviction. In this case, the parties shall be prohibited to cast doubts on the correctness of the verdict, passed by the jurors.

5. When the parties' argument is over, the defendant shall be granted the right of the last plea, if the verdict of guilty is passed, after which the judge shall retire for taking the decision on the criminal case.

Article 348. Obligatory Character of the Verdict

1. The verdict of not guilty, passed by the college of jurors, shall be obligatory for the presiding justice and shall entail his passing the sentence of acquittal.

2. The verdict of guilty is obligatory for the presiding justice on the criminal case, with the exception of the cases envisaged by the fourth and the fifth parts of this Article.

3. The presiding justice shall qualify the act, perpetrated by the defendant, in conformity with the verdict of guilty, as well as with the circumstances, established by the court while not being subject to an establishment by the jurors and requiring a juridical estimate per se.

4. The verdict of guilty, passed by the college of jurors, shall not be seen as an obstacle to passing the sentence of acquittal, if the presiding justice recognizes that the act, committed by the defendant, contains no signs of a crime.

5. If the presiding justice recognizes that the verdict of guilty is passed with respect to an innocent person and that there exist sufficient grounds for passing the sentence of acquittal because the event of the crime is not established or because the defendant's participation in the perpetration of the crime is not proved, he shall pass the resolution on the dismissal of the college of jurors and on sending the criminal case for a new consideration by another composition of the court, beginning with the stage of the preliminary hearing. This resolution is not subject to appeal by way of cassation.

Article 349. Legal Consequences of Recognizing the Defendant as Deserving Leniency

1. An indication in the verdict of the jury of the fact that the defendant, recognized to be guilty, still deserves leniency, shall be obligatory for the presiding justice as he metes out the punishment.

2. If the defendant is recognized as deserving leniency, the presiding justice shall administer for him the punishment with an application of Article 64 and of the first part of Article 65 of the Criminal Code of the Russian Federation. If the jury has not recognized that the defendant deserves leniency, the presiding judge, while taking into account the circumstances, mitigating or aggravating the punishment, and the personality of the guilty person, shall have the right to mete out the punishment for the defendant not only within the limits established by the corresponding Article of the Special Part of the Criminal Code of the Russian Federation, but also with an application of the provisions of Article 64 of the Criminal Code of the Russian Federation.

Article 350. Kinds of Decisions, Taken by the Presiding Justice

An inquisition of the criminal case in a court with the participation of jurors shall be completed with the presiding justice taking one of the following decisions:

1) a resolution on the termination of the criminal case in the cases, stipulated by Article 254 of the present Code;

2) a sentence of acquittal - in the cases, when the jurors have given the negative answer if only to a single one of the three basic questions, mentioned in the first part of Article 339 of the present Code, or if the presiding justice has recognized the absence of the signs of a crime in the act;

3) a sentence of conviction with meting out a punishment, without administering a punishment, with meting out a punishment and relief from it - in conformity with Articles 302, 307 and 308 of the present Code;

4) a resolution on the disbandment of the jurors' college and on sending the criminal case for a new consideration by another composition of the court - in the case, envisaged by the fifth part of Article 348 of the present Code.

Article 351. Passing the Sentence

The sentence shall be passed by the presiding justice in the order established by Chapter 39 of the present Code, with the following exceptions:

1) in the introductory part shall not be given the surname of the jurors;

2) in the descriptive-motivation part of the sentence of acquittal shall be rendered the substance of the charge, on account of which the jury has passed a verdict of not guilty, and shall be contained the references to the verdict of the college of jurors or the public prosecutor's refusal from the charge. The citation of proof shall be required only in the part, not stemming from the verdict passed by the college of jurors;

3) in the descriptive-motivation part of the sentence of conviction shall be contained a description of the criminal act, of the perpetration of which the defendant is recognized to be guilty, the qualification of the said act, the motives behind the administration of the punishment and the substantiation of the court judgement with respect to the civil claim;

4) in the resolutive part of the sentence shall be contained the explanations on the cassation proceedings for filing an appeal against it.

Article 352. Terminating an Examination of the Criminal Case Because of the Established Defendant's Insanity

1. If in the course of the inquisition of the criminal case by a court with the participation of jurors are established some circumstances, testifying to the insanity of the defendant at the moment of committing the act, with which he is charged, or testifying to the fact that after the perpetration of the crime the defendant has succumbed under a mental disorder, making

impossible the administration or the execution of the punishment, which is confirmed by the results of the forensic-psychiatric expertise, the presiding justice shall pass a resolution on the termination of examining the criminal case with the participation of jurors and on sending it over for consideration by a court in the order, established by Chapter 51 of the present Code.

2. The resolutions, passed in conformity with the demands of this Article, are not subject to an appeal.

Article 353. Specifics in Keeping the Protocol of a Court Session

1. The protocol of a court session shall be kept in conformity with the demands of Article 259 of the present Code with the exceptions, stipulated by this Article.

2. In the protocol shall by all means be pointed out the composition of the candidates for jurors, summoned to the court session, and the process of forming a college of jurors.

3. The charging word of the presiding justice shall be written down into the protocol of the court session, or its text shall be enclosed to the materials of the criminal case, to which a reference shall be made in the protocol.

4. The protocol of the court session shall reflect the entire course of the judicial proceedings, so that one can become convinced of the correctness of its conducting.

Section XIII. Proceedings in a Court of the Second Instance

Chapter 43. Statutory and Cassation Appeals of Judicial Decisions, Which Have Not Come into Legal Force

Article 354. Right to the Statutory and Cassation Appeal

1. In conformity with the demands of this Article, the judicial decisions, which have come into legal force, may be appealed against in accordance with the statutory and cassation procedures.

2. The complaints and the presentations against the sentences and resolutions, passed by the justices of the peace, which have not come into legal force, shall be considered in accordance with the statutory procedure.

3. The complaints and the presentations against the decisions of the courts of the first and appeals instances, which have not come into legal force, with the exception of the judicial decisions envisaged in the second part of this Article, shall be considered in accordance with the cassation proceedings.

4. The right to appeal against a court decision shall belong to the convicted and to the acquitted persons, to their counsels for the defence and their legal representatives, to the public prosecutor or to the superior prosecutor, the victim and his representative.

5. The civil claimant, the civil defendant or their representatives shall have the right to appeal against the court decision in the part concerning the civil claim.

Article 355. Procedure for Filing a Complaint and a Presentation

1. A complaint and a presentation shall be filed through the court which has passed the sentence or the other appealed judicial decision.

2. The statutory complaints and presentations shall be lodged with the district court.

3. The cassation complaints and presentations shall be filed:

1) against the sentence or another decision of the first or appeals instance of the district court - with the judicial college on criminal cases of the Supreme Court of the Republic, of a territorial or a regional court, of a court of a city of federal importance, of court of a autonomous region and of court of an autonomous area;

2) against the sentence or another decision of the Supreme Court of the Republic, of the territorial or the regional court, of the court of a city of federal importance, of the court of the autonomous region and of the court of an autonomous area - with the Judicial College on Criminal Cases of the Supreme Court of the Russian Federation;

3) against the sentence or another decision of the Judicial College on Criminal Cases of the Supreme Court of the Russian Federation - with the Cassation College of the Supreme Court of the Russian Federation.

4. The sentences and the other decisions of the military courts shall be appealed against in the order, established by the present Code, with the higher-placed military courts, pointed out in the federal constitutional law on military courts.

5. Not subject to an appeal in accordance with the procedure, laid down by the present Chapter, shall be the rulings or the resolutions, passed in the course of the judicial proceedings:

1) on the procedure for the study of the proof;

2) on the satisfaction or on the rejection of petitions from the participants in the judicial proceedings;

3) on measures for ensuring the order in the courtroom, with the exception of the rulings or resolutions on imposing a monetary penalty.

6. The fact of filing an appeal against the ruling or the resolution, passed during the judicial proceedings, shall not suspend the judicial proceedings.

Article 356. Time Terms for Filing an Appeal Against Sentences

1. A complaint and a presentation against the sentence or another decision of the first instance court may be filed by the parties in accordance with either the statutory or the cassation procedure in the course of ten days from the day of the proclamation of the sentence, and as concerns the

convicts held in custody - within the same term from the day of handing in to them a copy of the sentence.

2. In the course of the term, fixed for filing an appeal against the judicial decision, the criminal case cannot be withdrawn from the court on demand.

3. The complaint or the presentation filed with missing the term, shall be left without examination.

Article 357. Procedure for the Restoration of the Term of an Appeal

1. If the term of an appeal is missed because of a serious reason, the persons, having the right to lodge a complaint or a presentation, may enter a petition to the court which has passed the sentence or another appealed decision, for the restoration of the missed term. The petition for the restoration of the term shall be examined in the court session by the judge who has acted as the presiding justice in the judicial proceedings on the criminal case.

2. The missed term shall be restored, if the copies of the appealed court decision were handed in to the persons, pointed out in the fourth and the fifth parts of Article 354 of the present Code, after an expiry of 5 days from the day of its proclamation.

3. The judge's resolution on the refusal in the restoration of the missed term may be appealed against with a higher-placed court.

Article 358. Notification on the Filed Complaints and Presentations

1. The court which has passed the sentence or another appealed decision, shall notify of the filed complaint or presentation and shall direct the copies thereof to the convicted or the acquitted person, to his counsel for the defence, to the public prosecutor, to the victim and to his representative, as well as to the civil claimant, to the civil defendant and to their representatives if the complaint or the presentation infringes upon their interests, with an explanation of the possibility to lodge written objections against the said complaint or presentation, with an indication of the term for submitting such.

2. The objections, which have come in against the filed complaint or presentation, shall be enclosed to the criminal case materials.

Article 359. Consequences of Filing a Complaint or a Presentation

1. Filing a complaint or a presentation shall suspend the execution of the sentence, with the exception of the cases stipulated in Article 311 of the present Code.

2. After an expiry of the term of an appeal, the court, which has passed the sentence or another appealed decision, shall direct the criminal case with the filed complaint or presentation and with the objections to them, to a court of the appeals or of the cassation instance, about which it shall notify the parties.

3. The person, who has filed a complaint or presentation, shall have the right to recall these before the start of the court session of the appeals or of the cassation instance.

4. The person, who has lodged a complaint or a presentation, shall have the right to amend them or to add new arguments into them before the start of the court session. In this case, in an additional presentation of the public prosecutor or in his application on an amendment of the presentation, the same as in an additional complaint of the victim, of the private prosecutor or of their representatives, filed after an expiry of the term of an appeal, cannot be raised the question about worsening the convict's position, unless such demand was contained in the initial complaint or presentation.

5. On the results of considering the complaint or the presentation, mentioned in the fifth part of Article 354 of the present Code, the court shall pass a ruling on cancelling or on modifying the appealed decision, or on leaving the complaint or the presentation without satisfaction.

Article 360. Limits of an Examination of a Criminal Case by a Court of the Appeals or Cassation Instance

1. The court examining a criminal case in accordance with either the appeals or the cassation procedure, shall check the legality, the substantiation and the justness of the sentence and of another judicial decision.

2. The court examining a criminal case in accordance with either the appellate or the cassation procedure, shall only check up the legality, the substantiation and the justness of the sentence in the part in which it is appealed against. If in the course of trying a criminal case there are established circumstances which concern the interests of other persons convicted or acquitted in the same criminal case and in respect of which an appeal or presentation have not been filed, the criminal case has to be likewise checked in respect of these persons. With this, the deterioration of their position shall not be allowable.

3. When examining a criminal case by way of cassation, the court shall have the right to mitigate the punishment to the convict or to apply the criminal law on a less serious crime, but it shall have no right to toughen the punishment or to apply a criminal law on a more serious crime.

4. A court of the cassational instance shall be entitled to reverse the sentence of acquittal, as well as the sentence of conviction in connection with the necessity of applying a law on a more serious crime or inflicting a more severe punishment in the instances provided for by Part Two of Article 383 and Article 385 of this Code.

Chapter 44. Appeals proceedings for Considering a Criminal Case

Article 361. Object of the Judicial Proceedings on a Criminal Case

The appeals instance court in the composition stipulated by the third part of Article 30 of the present Code, shall check up the legality, the substantiation and the justness of the sentence, as well as of the resolution of a justice of the peace per the appeals and the presentations.

Article 362. Time Terms for the Start of an Examination of a Criminal Case in the Appeals Instance

An examination of a criminal case in accordance with the appeals procedure shall be started not later than 14 days from the day of arrival of the appeal or of the presentation.

Article 363. Appeal or Presentation

1. An appeal or presentation shall contain:

1) the name of the court of the appeals instance, with which the appeal or the presentation is filed;

2) the data on the person who has filed the appeal or the presentation, with an indication of his procedural status, the place of his residence or the place of his stay;

3) a reference to the sentence or to an other judicial decision and the name of the court which has passed it;

4) the arguments of the person, who has filed the appeal or the presentation, and the proof on which his demands are based;

5) the list of the materials, enclosed to the appeal or to the presentation;

6) the signature of the person, who has filed the appeal or the presentation.

2. If the requirements of the first part of this Article are not met, and this serves as an obstacle to the consideration of the criminal case, the complaint or proposal shall be returned the judge, who shall fix the date for their redrawing. If the judge's demand is not met and an appeal or presentation are not received within the time period established by the judge, there shall be issued an appropriate ruling in this respect and they shall be deemed not filed. The sentence shall be regarded as effective in compliance with Part One of Article 390 of this Code.

3. In confirmation of the grounds for filing the appeal or the presentation, the party shall have the right to submit new materials to the court or to request that to the court be summoned the witnesses and the experts it names.

Article 364. Appointment and Preparation of the Court Session of a Court of the Appeals Instance

1. Having studied an arrived criminal case, the judge shall pass a resolution on an appointment of a court session, during which the following questions shall be resolved:

1) on the place, day and time of the start of an examination of the criminal case;

2) on the summons to the court session of witnesses, experts and other persons;

3) on maintaining, selecting, cancelling or modifying the measure of restriction with respect to the defendant or the convict;

4) on an examination of the criminal case in camera in the cases, envisaged in Article 241 of the present Code.

2. The parties shall be notified about the place, day and time of the consideration of the criminal case. Failure to come on the part of the persons, who have not filed an appeal against the sentence of the court of the first instance, shall not be seen as an obstacle to examining the criminal case and to passing a judgement.

3. In the court session shall by all means be taking part:

1) the public prosecutor;

2) the private prosecutor who has filed the appeal;

3) the defendant or the convict who has filed the appeal, or to protect whose interests the appeal or the presentation is filed, with the exception of the cases envisaged in Parts 4 and 5 of Article 247 of the present Code;

4) the counsel for the defence - in the cases pointed out in Article 51 of the present Code.

Article 365. Judicial Investigation

1. The criminal court proceedings in an appeals instance court shall be conducted in accordance with the procedure, established by Chapters 35-39 of the present Code, with the exceptions stipulated in this Chapter.

2. The judicial investigation shall be started with the presiding justice briefly presenting the content of the sentence, as well as the substance of the appeal or of the presentation, and of the objections to them.

3. After the report of the presiding justice, the court shall hear out the statements of the party which has filed the appeal or the presentation, and the objections of the other party.

4. After the parties' statements, the court shall go over to the verification of the proof. The witnesses, who have been interrogated in the first instance court, shall be once again interrogated in the court of the appeals instance, if the court has recognized it necessary to summon them.

5. The parties shall have the right to enter a petition on summoning new witnesses, on conducting a court examination, on demanding the demonstrative proof and the documents, in the study of which they were refused by the court of the first instance. An entered petition shall be resolved in accordance with the procedure laid down by Article 271 of the present Code. The court of the first instance shall have no right to refuse in the satisfaction of the petition on the ground that it was not satisfied by the court of the first instance.

Article 366. Parties' Presentations. The Last Plea of the Defendant

1. Having completed the judicial investigation, the judge shall find out from the parties whether they have petitions to file for making an addition to the judicial investigation. The court shall deal with these petitions and then go over to the parties' presentations.

2. The parties' discussion shall be conducted in the order, established by Article 292 of the present Code. The first to take the floor shall be the person, who has filed the appeal or the presentation.

3. When the argument of the parties is completed, the judge shall grant to the defendant the last plea, after which he shall depart to the retiring room to adopt the decision.

Article 367. Decisions, Passed by a Court of the Appeals Instance

1. When the court of the appeals instance adopts the decision, it has the right to refer for the substantiation of its decision to the evidence of the persons, announced in court, who have not been summoned to the session of the court of the appeals instance but were interrogated in the court of the first instance.

2. In the decision shall be pointed out the grounds, on which the sentence of the first instance court is recognized as legal, substantiated and just, while the arguments of the person who has filed the appeal or the presentation - as unsubstantiated, or the grounds for the complete or a partial cancellation, or for a modification of the appealed sentence.

3. The appeals instance court shall take on the results of the consideration of the criminal case one of the following decisions:

1) on leaving the sentence of the first instance court without change, and the appeal or the presentation - without satisfaction;

2) on cancelling the sentence of conviction of the first instance court and on acquitting the defendant, or on the termination of the criminal case;

3) on cancelling the sentence of acquittal of the first instance court and on passing the sentence of conviction;

4) on altering the sentence of the first instance court.

4. In the case, envisaged in Item 1 of the third part of this Article, the court of the appeals instance shall pass a resolution. In the cases, envisaged in Items 2-4 of the third part of this Article, it shall pass the sentence.

Article 368. Passing the Sentence

The court of the appeals instance shall pass the new sentence in conformity with the demands of Chapter 39 and of Article 367 of the present Code.

Article 369. Grounds for the Cancellation or Alteration of the Sentence of the First Instance Court

1. Seen as the grounds for the cancellation or alteration of the sentence of the court of the first instance and for passing a new sentence shall be:

1) discrepancy between the court conclusions, expounded in the sentence, and the factual circumstances of the criminal case established by the court of the appeals instance - in the cases, envisaged in Article 380 of the present Code;

2) violation of the criminal-procedural law - in the cases, mentioned in Article 381 of the present Code;

3) an incorrect application of the criminal law - in the cases, pointed out in Article 382 of the present Code;

4) unjustness of the administered punishment - in the cases, pointed out in Article 383 of the present Code.

2. The sentence of the first instance court may be altered towards an aggravation of the convict's situation only upon presentation of the public prosecutor or upon a complaint from the victim, from the private prosecutor or from their representatives.

Article 370. Cancellation or Modification of the Sentence of Acquittal

1. The sentence of acquittal may be cancelled by the court of the appeals instance with passing the sentence of conviction only upon presentation of the public prosecutor or upon an appeal of the victim, of the private prosecutor or of their representatives against the lack of substantiation behind the defendant's acquittal.

2. The sentence of acquittal may be modified in the part of the motives for the acquittal in accordance with the complaint of the acquitted person.

Article 371. Appeal Against the Sentence and the Resolution of a Court of the Appeals Instance

The sentences and the resolutions of a court of the appeals instance may be appealed against with a higher placed court in accordance with the cassation procedure, established by Chapter 45 of the present Code.

Article 372. Protocol of a Court Session

The secretary of the court session shall keep a protocol in conformity with Article 259 of the present Code. The parties may submit their comments on the protocol, which shall be examined by the presiding justice in the order established by Article 260 of the present Code.

Chapter 45. Cassation Procedure for the Consideration of a Criminal Case

Article 373. Object of the Judicial Proceedings in a Court of the Cassation Instance

A court of the cassation instance shall verify the legality, the substantiation and the justness of the sentence and of the other court decision by the cassational appeals and presentations.

Article 374. Time Terms for Examining a Criminal Case by a Court of the Cassation Instance

An examination of a criminal case by a court of the cassation instance shall be started not later than one month from the day of its arrival to the court of the cassation instance.

Article 375. Cassational Appeals and Presentations

1. A cassational appeal and presentation shall contain:

1) the name of the court of the cassation instance, with which an appeal or a presentation is filed;

2) the data on the person who has lodged an appeal or a presentation, with an indication of his procedural status, of the place of his residence or the place of his stay;

3) a reference to the sentence or to the other decision, against which the appeal is filed, and the name of the court that has passed or adopted it;

4) the arguments of the person, who has filed the appeal or the presentation, with pointing out the grounds envisaged in Article 379 of the present Code;

5) the list of the materials, enclosed to the appeal or to the presentation;

6) the signature of the person who has filed the appeal or the presentation.

2. If the convict enters a petition for taking part in an examination of the criminal case by the court of the cassation instance, this shall be pointed out in his cassational appeal.

3. If the filed appeal or presentation does not satisfy the demands of the first part of this Article and if this interferes with an examination of the criminal case by way of cassation, the court shall be governed by the second part of Article 363 of the present Code. The court shall issue a ruling on termination of cassational proceedings.

Article 376. Appointment of a Court Session

1. As a criminal case arrives with a cassational appeal or presentation, the judge shall appoint day, time and place of the court session.

2. The parties shall be notified on day, time and place of an examination of the criminal case by the court of the cassation instance not later than 14 days before the day of the court session. The question about summoning the convict held in custody shall be resolved by the court.

3. The convict held in custody who has expressed his wish to be present at an examination of the appeal or of the presentation against the

sentence, shall have the right to participate in the court session directly, or to expose his position with the use of the video-conference communication system. The question of the form of the convict's taking part in the court session shall be resolved by the court. The convict or the acquitted person, who has come to attend the court session, shall be admitted for the participation in it in all cases.

4. The failure to come on the part of the persons, timely notified about the date, the time and the place of the session of the court of the cassation instance, shall not interfere with the consideration of the criminal case.

Article 377. Procedure for an Examination of a Criminal Case by a Court of the Cassation Instance

1. The presiding justice shall open the court session and announce what criminal case is going to be considered and at whose cassational appeal and/or presentation. After this, the presiding justice shall declare the composition of the court, the surnames, names and patronymics of the persons who are the parties in the criminal case, and of those present at the court session, as well as the surname, name and patronymic of the interpreter, if such is taking part in the court session.

2. The presiding justice shall find out from the participants in the judicial proceedings whether they have any objections or petitions to file.

3. After the resolution of the objections and the petitions, one of the judges shall briefly report the content of the sentence or of the other appealed court decision, as well as of the cassational appeal and/or presentation. After this, the court shall hear out the presentations of the party, which has filed the appeal or the presentation, aimed at the substantiation of its arguments, and the objections of the other party. If there are several complaints, the sequence of the presentation shall be determined by the court with an account for the parties' opinion.

4. If the criminal case is considered in accordance with the procedure of cassation, the court shall have the right, upon a petition from the party, to study the proof directly, in conformity with the demands of Chapter 37 of the present Code.

5. In confirmation or in refutation of the arguments, cited in the cassational appeal and/or presentation, the parties shall have the right to submit additional materials to the court of the cassation instance.

6. The additional materials shall not be obtained through the performance of investigative actions. The person, who is submitting additional materials to the court, shall be obliged to point out in what way they have been obtained and in what connection the need has arisen to submit them.

7. An alteration of the sentence or its cancellation with the termination of the criminal case on the ground of the additional materials shall be inadmissible, with the exception of the cases when the data or the

information, contained in such materials, do not require an additional verification and assessment by the first instance court.

8. The work schedule of the court session shall be defined by Article 257 of the present Code.

Article 378. Decisions, Adopted by a Court of the Cassation Instance

1. As a result of an examination of the criminal case by way of cassation, the court shall pass in the retiring room one of the following decisions:

1) to leave the sentence or the other appealed judicial decision without change, and the appeal or the presentation without satisfaction;

2) to cancel the sentence or the other appealed court decision and to terminate the criminal case;

3) to cancel the sentence or the other appealed court decision and to send over the criminal case for the new judicial consideration to the court of the first or of the appeals instance as from the stage of the preliminary hearing, or of the judicial proceedings, or of the court actions after the jurors have passed their verdict;

4) to alter the sentence or the other appealed court decision.

2. The decision of the court of the cassation instance shall be passed in the form of a ruling.

Article 379. Grounds for Revoking or Amending a Court Decision in Accordance with the Cassation Procedure

1) Below are the grounds for revoking or amending the verdict in accordance with the cassation procedure:

a discrepancy between the court's conclusions set out in the verdict and the actual circumstances of the criminal case established by the court of the first instance or appellate court;

2) a violation of criminal procedural law;

3) a wrong application of criminal law;

4) the injustice of the verdict.

2. The grounds for revoking or amending the court decisions issued with the participation of jury members shall be those specified in Items 2-4 of Part 1 of the present article.

Article 380. Non-Correspondence Between the Conclusions of the Court, Expounded in the Sentence, and the Factual Circumstances of the Criminal Case

The sentence is recognized as not corresponding to the factual circumstances of the criminal case, established by the court of the first or of the appeals instance, if:

1) the court conclusions are not confirmed by the proof, examined in the court session;

2) the court has not taken into account the circumstances which could have exerted an essential impact on the court conclusions;

3) in the face of the existence of contradictory proof of essential importance for the court conclusions, it is not indicated in the sentence on what grounds the court has accepted some of them while rejecting the other;

4) the court conclusions, expounded in the sentence, contain essential contradictions, which have exerted or could have exerted an impact on the resolution of the question of the guilt or the innocence of the convict or of the acquitted person, on the correctness of the application of the criminal law or on determining the measure of punishment.

Article 381. Violation of the Criminal-Procedural Law

1. Seen as the grounds for the cancellation or for an alteration of the judicial decision by the court of the cassation instance, shall be such violations of the criminal procedural law, which by depriving of or by restricting the rights of the participants in the criminal court proceedings, guaranteed by the present Code, by the non-observation of the court proceedings or in any other way have influenced or could have influenced the passing of a lawful, substantiated and just sentence.

2. Seen as the grounds for the cancellation or alteration of the judicial decision shall in any case be:

1) non-termination of the criminal case by the court in the face of the existence of the grounds, envisaged in Article 254 of the present Code;

2) passing the sentence by an illegal composition of the court or passing the verdict by an illegal composition of the college of jurors;

3) examination of the criminal case in the absence of the defendant, with the exception of the cases stipulated by Parts 4 and 5 of Article 247 of the present Code;

4) consideration of the criminal case without the participation of the counsel for the defence, if his taking part is obligatory in conformity with the present Code, or with another violation of the defendant's right to make use of the assistance of the counsel for the defence;

5) violation of the defendant's right to use the language, of which he has a good command, and the services of an interpreter;

6) not granting to the defendant the right to take part in the parties' presentations;

7) not granting to the defendant the right of the last plea;

8) violation of the secrecy of the jury's conference when passing the verdict or of the secrecy of the conference of the judges when passing the sentence;

9) substantiation of the sentence by the proof, which the court has recognized as inadmissible;

10) the absence of the signature of the judge or of one of the judges if the criminal case was tried by the court collegiately, on the corresponding court decision;

11) the absence of the protocol of the court session.

Article 382. Incorrect Application of the Criminal Law

Seen as an incorrect application of the criminal law shall be:

1) violation of the demands of the General Part of the Criminal Code of the Russian Federation;

2) application of a wrong Article or of a wrong Item and/or part of the Article of the Special Part of the Criminal Code of the Russian Federation, which were subject to the application;

3) meting out a tougher punishment than envisaged by the corresponding part of the Special Part of the Criminal Code of the Russian Federation.

Article 383. Unjustness of the Sentence

1. Seen as unjust shall be the sentence, in accordance with which was meted out a punishment that does not correspond to the gravity of the crime or to the convict's personality, or a punishment which, though it does not go out of the limits stipulated in the corresponding Article of the Special Part of the Criminal Code of the Russian Federation, still by its form or size is unjust either on account of its excessive mildness or of its excessive toughness.

2. The sentence may also be cancelled in connection with the need to administer a more severe punishment because of recognizing the punishment, meted out by the court of the first or appeals instance, as unjust on account of its excessive mildness only in the cases, when there exists a presentation on these grounds from the public prosecutor or an application from the private prosecutor, from the victim or from his representative.

Article 384. Cancellation of a Sentence of Conviction with the Termination of the Criminal Case

As it examines a criminal case by way of cassation, the court shall cancel the sentence of conviction and shall terminate the criminal case, if there exist the grounds stipulated by the present Code.

Article 385. Cancellation of a Sentence of Acquittal

1. A sentence of acquittal, with the exception of the cases envisaged by the second part of this Article, may be cancelled by the court of the cassation instance only upon a presentation from the public prosecutor or at the complaint of the victim or of his representative, and also upon a complaint from the acquitted person, who does not agree with the grounds for acquittal.

2. The sentence of acquittal, passed on the ground of the verdict of not guilty passed by the jurors, may be cancelled upon a presentation from the public prosecutor or upon a complaint from the victim or from his representative only if there exist such violations of the criminal-procedural law that have restricted the right of the public prosecutor, of the victim or of his representative to submit proof, or that impacted upon the content of the questions put to the jurors and of the answers supplied to them.

Article 386. Cancellation of the Sentence with Sending the Criminal Case for New Judicial Proceedings

1. A criminal case shall be sent over for the new judicial proceedings:

1) to another judge of the appeals instance court - in the cases of the cancellation either of the sentence, passed by the justice of the peace, and of the ruling of the court of the appeals instance, or of the sentence of the court of the appeals instance;

2) to the court which has passed the sentence but with a different composition of the court - in the case of the cancellation of the sentence, with the exception of cases, pointed out in Item 1 of the present part.

2. If the sentence is cancelled and the criminal case is sent over for a new judicial examination, the court of the cassation instance shall have no right to prejudge the following questions:

1) on the charge being proven or not proven;

2) on the authenticity or inauthenticity of the charge;

3) on the advantages of some proof as compared with others;

4) on the measure of punishment.

3. The pronouncement of the verdict by the jurors and contradicting it, shall be subject to cancellation with sending the criminal case back for a new consideration to the first instance court. In this case, the examination of the criminal case shall be started from the moment, following the passing of the verdict by the jurors.

Article 387. Alteration of the Sentence

1. In the cases stipulated by Items 1 and 2 of Article 382 of the present Code, the court of the cassation instance shall have the right to apply towards the convict a criminal law on a milder crime and to mitigate the punishment in conformity with a changed qualification of the committed act. In this case, the court of the cassation instance shall have no right to apply a criminal law on a more serious crime or to toughen the administered punishment.

2. In the case envisaged by Item 3 of Article 382 of the present Code, the court of the cassation instance shall have the right to mitigate the punishment without changing the qualification of the committed act.

3. The court of the cassation instance shall have the right to cancel the administration to the convict of a milder kind of correctional institution

than it is stipulated by the criminal law, and to assign to him the kind of correctional institution in conformity with the demands of the criminal law.

Article 388. Cassation Ruling

1. In a cassation ruling shall be pointed out:

1) the date and place of passing the ruling;

2) the name of the court and the composition of the cassation college;

3) the data on the person who has filed the cassational appeal or presentation;

4) the data on the persons who have taken part in the examination of the criminal case in the court of the cassation instance;

5) a brief presentation of the arguments of the person, who has lodged the appeal or the presentation, as well as of the objections of the other persons, who have taken part in the court session of the cassation instance;

6) the motives behind the adopted decision;

7) the decision of the court of the cassation instance on the appeal or the presentation;

8) the decision on the measure of restraint.

2. If the sentence is cancelled or altered, the following shall be pointed out:

1) violation of the norms of the present Code, subject to elimination in the new judicial proceedings;

2) the circumstances that have entailed meting out an unjust punishment;

3) the grounds for the cancellation or the alteration of the sentence.

3. The cassational ruling shall be signed by the entire composition of the court and shall be announced in the courtroom after the judges come back from the retiring room. Before going to the retiring room the court shall declare the time of announcing the cassational ruling which is to be made at the latest in three days, as of the date of termination of the cassational instance's session related to this criminal case.

4. The cassation ruling shall be forwarded for execution within seven days after the day of passing it to the court, which has passed the sentence, together with the criminal case.

5. The cassation ruling, in conformity with which the convict is subject to the release from custody, shall be executed in this part immediately, if the convict is taking part in the session of the court of the cassation instance. In the other cases, a copy of the cassation ruling or an excerpt from the resolutive part of the cassation ruling in the part, concerning the release of the convict from custody, shall be forwarded to the administration of the place of his detention for an immediate execution.

6. Directions of the court of the cassation instance shall be obligatory for execution in the new examination of the criminal case.

Article 389. Repeated Examination of a Criminal Case by a Court of the Cassation Instance

1. A court of the cassation instance shall consider the criminal case once again by way of cassation upon a cassational appeal or presentation if the cassational appeal from the convict, from his counsel for the defence or from his legal representative, as well as from the victim or from his legal representative has come in when the criminal case with respect to this convict has already been considered at the cassational appeal or presentation, filed by another participant in the criminal court proceedings.

2. The court shall explain to the participants in the criminal court proceedings their right to file an appeal against the already passed cassation ruling, if the latter contradicts the earlier passed one, in accordance with the procedure established by Chapter 48 of the present Code.

Section XIV. Execution of the Sentence

Chapter 46. Presentation of the Sentences, Rulings and Resolutions for Execution

Article 390. Entry of the Sentence into Force and Its Presentation for Execution

1. The sentence of the first instance court shall enter into legal force after an expiry of the term for filing an appeal against it in the statutory or in the cassation order, if it has not been appealed against by the parties.

2. The sentence of a court of the appeals instance shall enter into legal force after the expiry of the term of filing an appeal against it by way of cassation, unless it has been appealed against by the parties.

3. If a complaint or a presentation is filed by way of cassation, the sentence, unless it is cancelled by the court of the cassation instance, shall come into legal force on the day of passing the cassation ruling.

4. The sentence shall be presented for execution by the first instance court within three days from the day of its entry into legal force, or of the return of the criminal case from the court of the appeals or of the cassation instance.

Article 391. Entry of a Court Ruling or Resolution into Legal Force and Its Presentation for Execution

1. A ruling or a resolution of the court of the first or appeals instance shall enter into legal force and shall be presented for execution after an expiry of the term for filing an appeal against it by way of cassation, or on the day of passing the ruling by the court of the cassation instance.

2. The court's ruling or resolution, not subject to an appeal by way of cassation, shall enter into legal force and shall be presented to execution immediately.

3. The court ruling or resolution on the termination of the criminal case, passed in the course of the judicial proceedings on the criminal case, shall be subject to an immediate execution in that part of it, which concerns the release of the accused or of the defendant from custody.

4. The ruling of a court of the cassation instance shall enter into legal force as from the moment of its proclamation and may be revised only in accordance with the order, laid down by Chapters 48 and 49 of the present Code.

5. The ruling of a court of the cassation instance shall be presented to execution in the order, established by the fourth and the fifth parts of Article 388 of the present Code.

Article 392. Obligatory Nature of the Court Sentence, Ruling and Resolution

1. The sentence, ruling or resolution of the court shall be mandatory for all state power bodies, for the bodies of local self-government, for public associations, officials and the other natural and legal persons, and shall be subject to obligatory execution on the entire territory of the Russian Federation.

2. The non-execution of the court sentence, ruling or resolution shall entail liability, envisaged by Article 315 of the Criminal Code of the Russian Federation.

Article 393. Procedure for Presenting for Execution the Court Sentence, Ruling and Resolution

1. The presentation for execution of the sentence, ruling or resolution of the court shall be imposed upon the court, which has examined the criminal case in the first instance.

2. A copy of the sentence of conviction shall be directed by the judge or by the president of the court to that institution or to that body, upon which the execution of the punishment is imposed. To execute a judgement regarding property recovery, a garnishment shall be sent to a bailiff together with a copy of the judgement.

3. The appeals instance court shall be obliged to inform the institution or the body, upon which the execution of the punishment is imposed, about the decision it has adopted with respect to the person, held in custody.

4. If the sentence of the court of the first or appeals instance is altered when it is examined by way of cassation, to the copy of the sentence shall also be enclosed a copy of the ruling of the court of the cassation instance.

5. The institution or the body, upon which the execution of the punishment is imposed, shall immediately inform the court, which has passed the sentence of conviction, about its execution.

6. The institution or the body, upon which the execution of the sentence is imposed shall be obliged to notify the court, which has passed the sentence about the place where the convict is serving his term.

Article 394. Notification about the Presentation of the Sentence for Execution

1. After the entry into legal force of the sentence, in accordance with which the convict, held in custody, is sentenced to arrest or to the deprivation of freedom, the administration of the place of detention shall inform one of the convict's close relatives or relations of the place where he is sent to serve the sentence, in conformity with Article 75 of the Criminal-Executive Code of the Russian Federation.

2. In case of the satisfaction of the civil claim, the civil claimant and the civil defendant shall be informed about the presentation of the sentence to execution.

Article 395. Granting Relations a Meeting with the Convict

Before the sentence is presented for execution, the presiding judge of the court session on the criminal case or the president of the court shall grant at the request of the close relatives or of relations of the convict, held in custody, an opportunity to see him.

Chapter 47. Procedure for the Examination and Resolution of Legal Matters, Involved in the Execution of the Sentence

Article 397. Questions Subject to Consideration by the Court During the Execution of the Sentence

The court shall examine the following questions, involved in the execution of the sentence:

1) on the compensation of the damage to the rehabilitated person, on his reinstatement in the labour, pension, housing and other rights in conformity with the fifth part of Article 135 and with the first part of Article 138 of this Code;

2) on changing the punishment in case of the deliberate avoidance of serving:

a) a fine - in conformity with Article 46 of the Criminal Code of the Russian Federation;

b) obligatory works - in conformity with Article 49 of the Criminal Code of the Russian Federation;

c) correctional works - in conformity with Article 50 of the Criminal Code of the Russian Federation;

d) restriction of freedom - in conformity with Article 53 of the Criminal Code of the Russian Federation;

3) on changing the kind of the correctional institution, assigned by the court sentence to the convicted person, sentenced to the deprivation of freedom, in conformity with Articles 78 and 140 of the Criminal-Executive Code of the Russian Federation;

4) on the conditional early release from serving the sentence in conformity with Article 79 of the Criminal Code of the Russian Federation;

4.1) on the reversal of the release on parole-in accordance with Article 79 of the Criminal Code of the Russian Federation;

5) on the replacement of the unserved part of the sentence with a milder kind of punishment in conformity with Article 80 of the Criminal Code of the Russian Federation;

6) on the release from the punishment in connection with the convict's illness in conformity with Article 81 of the Criminal Code of the Russian Federation;

7) on the cancellation of the conditional conviction or on an extension of the probationary term in conformity with Article 74 of the Criminal Code of the Russian Federation;

8) on the cancellation of or on an addition to the duties, imposed upon the convict in conformity with Article 73 of the Criminal Code of the Russian Federation;

9) on the release from serving the sentence in connection with an expiry of the term of legal limitation of the sentence of conviction in conformity with Article 83 of the Criminal Code of the Russian Federation;

10) on the execution of the sentence in the face of the existence of other unexecuted sentences, unless this is resolved in the last time-use sentence, in conformity with Article 70 of the Criminal Code of the Russian Federation;

11) on offsetting the time of being held in custody, as well as of the time spent in a medical treatment institution in conformity with Articles 72, 103 and 104 of the Criminal Code of the Russian Federation;

12) on an extension, modification or termination of the coercive measures of medical character in conformity with Articles 102 and 104 of the Criminal Code of the Russian Federation;

13) on the release from the punishment or on the mitigation of the punishment as a result of the issue of a criminal law with a retroactive effect, in conformity with Article 10 of the Criminal Code of the Russian Federation;

14) on reducing the size of the deductions from the wages of the person, sentenced to correctional labour in conformity with Article 44 of the Criminal-Executive Code of the Russian Federation, in case of the deterioration of the convict's material situation;

15) on the resolution of the doubts and ambiguities, arising during the execution of the sentence;

16) on the release from the punishment of a minor with an application towards him of coercive measures of an educational impact, envisaged in the second part of Article 92 of the Criminal Code of the Russian Federation;

17) on the cancellation of the postponement in serving the sentence to pregnant women and to women with little children, in conformity with Article 82 of the Criminal Code of the Russian Federation;

18) on taking into custody a convict who has fled in order to avoid serving the sentence in the form of a fine, compulsory labour, correctional labour or restraint of liberty pending the consideration of the matter mentioned in Item 2 of this Article, but the period shall not exceed 30 days;

19) on the replacement of the unserved part of the sentence with a milder form of punishment, or on the release from the punishment in the form of restriction in the military service of the serviceman dismissed from the military service, in accordance with the procedure, established by Article 148 of the Criminal-Executive Code of the Russian Federation;

20) on the delivery of a foreign citizen sentenced to imprisonment by a court of the Russian Federation for serving punishment in the state of which the convict is a citizen;

21) on the recognition, procedure for and terms of execution of a sentence passed by the court of a foreign state which has convicted the citizen of the Russian Federation to be delivered to the Russian Federation for serving his/her sentence.

Article 398. Putting Off the Execution of the Sentence

1. The execution of the sentence on convicting a person to obligatory work, to correctional work, to a restriction of freedom, to arrest or to deprivation of freedom, may be put off by the court for a definite term, if there exists one of the following grounds:

1) the convict's illness, interfering with his serving the sentence - until his recovery;

2) the convicted woman's pregnancy or her having little children - until the younger child reaches the age of fourteen, with the exception of those sentenced to the deprivation of freedom for a term of over five years for grave and especially grave crimes against the individual;

3) serious consequences or the threat of their setting in for the convict or for his close relatives, caused by a fire or by another natural calamity, by a grave illness or by the death of the only able-bodied family member and by the other extraordinary circumstances - for a term, fixed by the court, but not over six months.

2. The payment of a fine may be postponed or put onto the instalment principle of payment over a term of up to three years, if its immediate payment is impossible for the convict.

3. The question of the postponement of the execution of the sentence shall be resolved by the court upon a petition from the convict or from his

legal representative, from his close relations or from his counsel for the defence, or upon a presentation from the public prosecutor.

Article 399. Procedure for Resolving Questions Involved in the Execution of the Sentence

1. Questions in connection with the enforcement of the sentence shall be considered by the court:

1) on the basis of the rehabilitated person's application-in the case mentioned in Item 1 of Article 397 of this Code;

2) on the basis of the convict's application-in the cases mentioned in Items 4, 6, 9, 11-15 of Article 397 and in the first and second parts of Article 398 of this Code

3) on the proposal of the internal affairs agency at the place of the convict's detention-in the case mentioned in Item 18 of Article 397 of this Code;

4) with account of the requirements of Articles 469-472 of this Code-in the cases mentioned in Items 20 and 21 of Article 397 of this Code;

5) on the proposal of the institution or agency enforcing the punishment-in all other cases mentioned in Article 397 this Code.";

2. To the court session there shall be summoned a representative of the institution executing the punishment, or competent authority on whose proposal the question concerning the execution of the punishment is being resolved. If the question concerns the execution of the sentence in the part of a civil claim, to the court session may be summoned the civil claimant and the civil defendant.

3. If the convict is taking part in the court session, he shall have the right to get acquainted with the materials submitted to the court, to participate in examining them, to enter petitions and objections, to supply explanations and to present documents. The decision on the convict's participation in the court session shall be passed by the court.

4. The convict may exercise his rights with the assistance of a lawyer.

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6. The public prosecutor shall have the right to take part in the court session.

7. The court session shall start with a report, made by the representative of the institution or of the body, which has entered the presentation, or with an explanation supplied by the applicant. Then the submitted materials shall be studied and the explanations of the persons, who have come to the court session, and the public prosecutor's opinion shall be heard out, after which the judge shall pass the resolution.

Article 400. Examination of the Petition on Clearing a Criminal Record

1. The question of the clearing of a criminal record in conformity with Article 86 of the Criminal Code of the Russian Federation shall be resolved upon a petition from the person who has served the sentence, by the court

or by the justice of the peace on the criminal cases referred to his jurisdiction, at the place of residence of the given person.

2. Participation in the court session of the person, with respect to whom the petition on the clearing of the criminal record is considered, shall be obligatory.

3. The public prosecutor, who is to be notified about the entered petition, shall have the right to participate in the court session.

4. An examination of the petition shall begin with hearing out the explanations of the person who has filed the petition, after which the submitted materials shall be studied and the public prosecutor and the other persons, invited to attend the court session, shall be heard out.

5. If the clearing of the criminal record is refused, the relevant petition may be filed with the court once again not earlier than after an expiry of one year from the day of passing the resolution on the refusal.

Article 401. Appeal Against the Court Resolution

Against the court resolution, passed while resolving the questions involved in the execution of the sentence, a complaint or a presentation may be filed by way of cassation, as it is established in in Chapters 43 and 45 of the present Code.

Section XV. Revision of the Sentences, Rulings and Resolutions, Which Have Come into Legal Force

Chapter 48. Procedure at a Supervisory Agency

Article 402. Right of Appeal Against a Court Sentence, Ruling and Resolution, Which Have Come into Legal Force

1. The suspect, accused, the convict, the acquitted person, their counsels for the defence or their legal representatives, the victim and his representative, as well as the public prosecutor shall have the right to file a petition on revising the court sentence, ruling or resolution, which have come into legal force in accordance with the procedure established by this Chapter. The civil claimant, the respondent or their representatives shall have the right to move for a review of the effective sentence, ruling and decision of the court in respect to a civil action.

2. The petition filed by the public prosecutor, shall be called a supervisory presentation. The petitions from the rest of the participants shall be called supervisory complaints.

Article 403. Courts Considering a Supervisory Complaint or Presentation

Appealed against by way of supervision may be:

1) the sentence and the resolution of the justice of the peace, the sentence, ruling and resolution of the district court, the cassation ruling of

the Supreme Court of the Republic, of the territorial or the regional court, of the court of a city of federal importance, of the court of the autonomous region and of the court of an autonomous area with the Presidium of the Supreme Court of the Republic, of the territorial or the regional court, of the court of a city of federal importance, of the court of an autonomous region or the court of an autonomous area;

2) the judicial decisions, pointed out in Item 1 of this Article, if they were appealed against by way of supervision with the Presidium of the Supreme Court of the Republic, of the territorial or the regional court, of the court of a city of federal importance, of the court of the autonomous region and of the court of an autonomous area; the sentence, ruling and resolution of the Supreme Court of the Republic, of the territorial or the regional court, of the court of a city of federal importance, of the court of the autonomous region or of the court of an autonomous area, if the said judicial decisions were not an object of examination by the Supreme Court of the Russian Federation; the resolution of the Presidium of the Supreme Court of the Republic, of the territorial or the regional court, of the court of a city of federal importance, of the court of an autonomous region or the court of an autonomous area - with the Judicial College on Criminal Cases of the Supreme Court of the Russian Federation;

3) the sentence, ruling and resolution of the garrison military court, and the cassation ruling of the district (naval) military court - with the presidium of the district (naval) military court;

4) the judicial decisions, mentioned in Item 3 of this Article, if they were appealed against by way of supervision with the presidium of the district (naval) military court; the sentence, ruling and resolution of the district (naval) military court, unless these judicial decisions were an object of consideration by the Supreme Court of the Russian Federation by way of cassation: the resolution of the presidium of the district (naval) military court - with the Military College of the Supreme Court of the Russian Federation;

5) the ruling of the Cassation College of the Supreme Court of the Russian Federation, the sentence and the ruling of the Judicial College on Criminal Cases of the Supreme Court of the Russian Federation or of the Military College of the Supreme Court of the Russian Federation, the resolution of the judge of the Supreme Court of the Russian Federation on the appointment of a court session - with the Presidium of the Supreme Court of the Russian Federation.

Article 404. Procedure for Filing a Supervisory Complaint or Presentation

1. A supervisory complaint or presentation, compiled in conformity with the demands of Article 375 of the present Code, shall be forwarded directly to the court of the supervision instance, authorized, in conformity with Article 403 of the present Code, to revise an appealed judicial decision.

2. To the supervisory complaint or presentation shall be enclosed:

1) a copy of the sentence or the other judicial decision, which is appealed against;

2) copies of the sentence or of the ruling of the appeals instance court, of the ruling of the court of the cassation instance or of the resolution of the court of the supervision instance, unless such was passed on the given criminal case;

3) if necessary, the copies of the other procedural documents, if they confirm, in the applicant's opinion, the arguments put forth in the supervisory complaint or presentation.

Article 405. Inadmissibility of a Turn for

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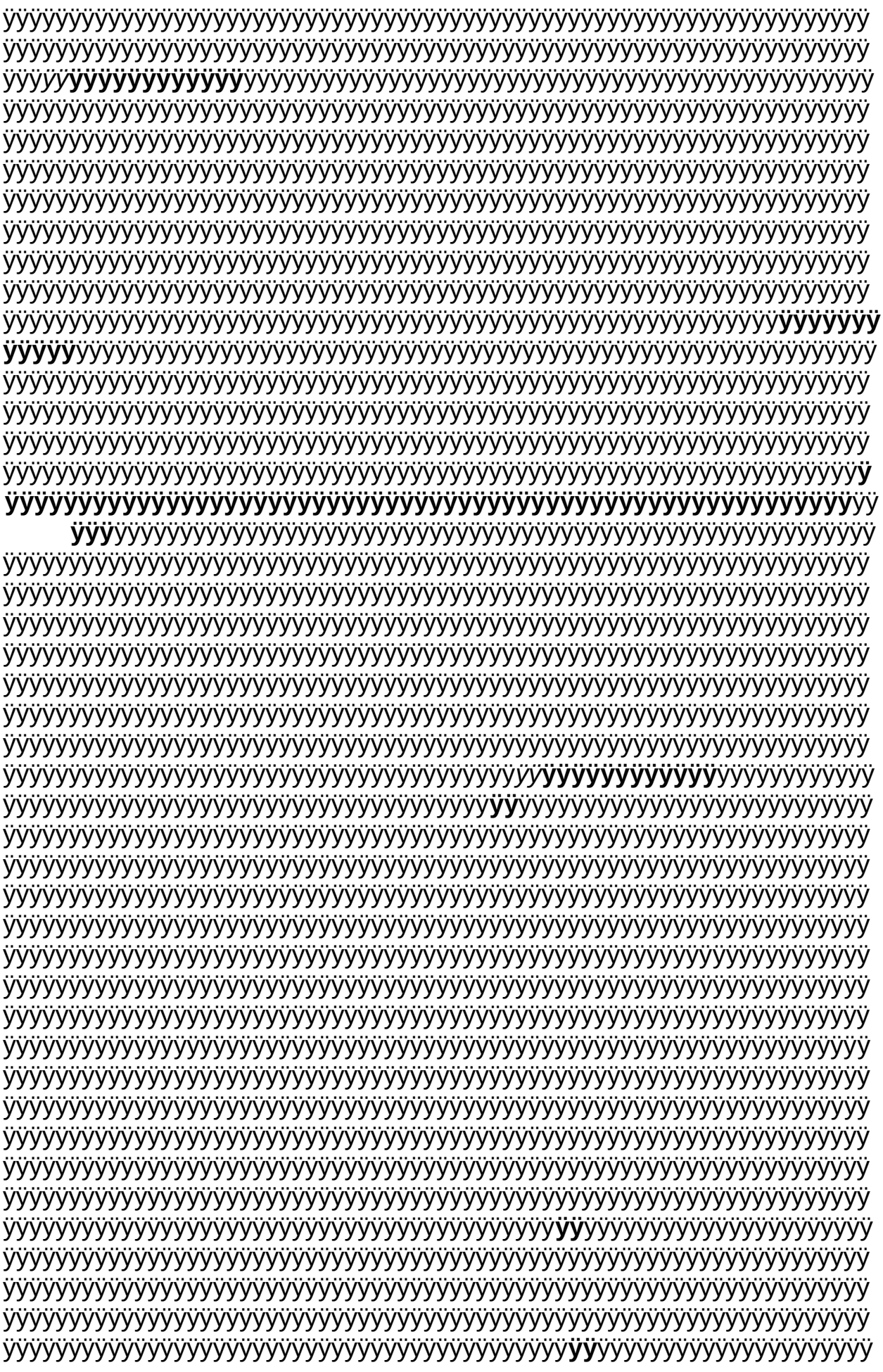

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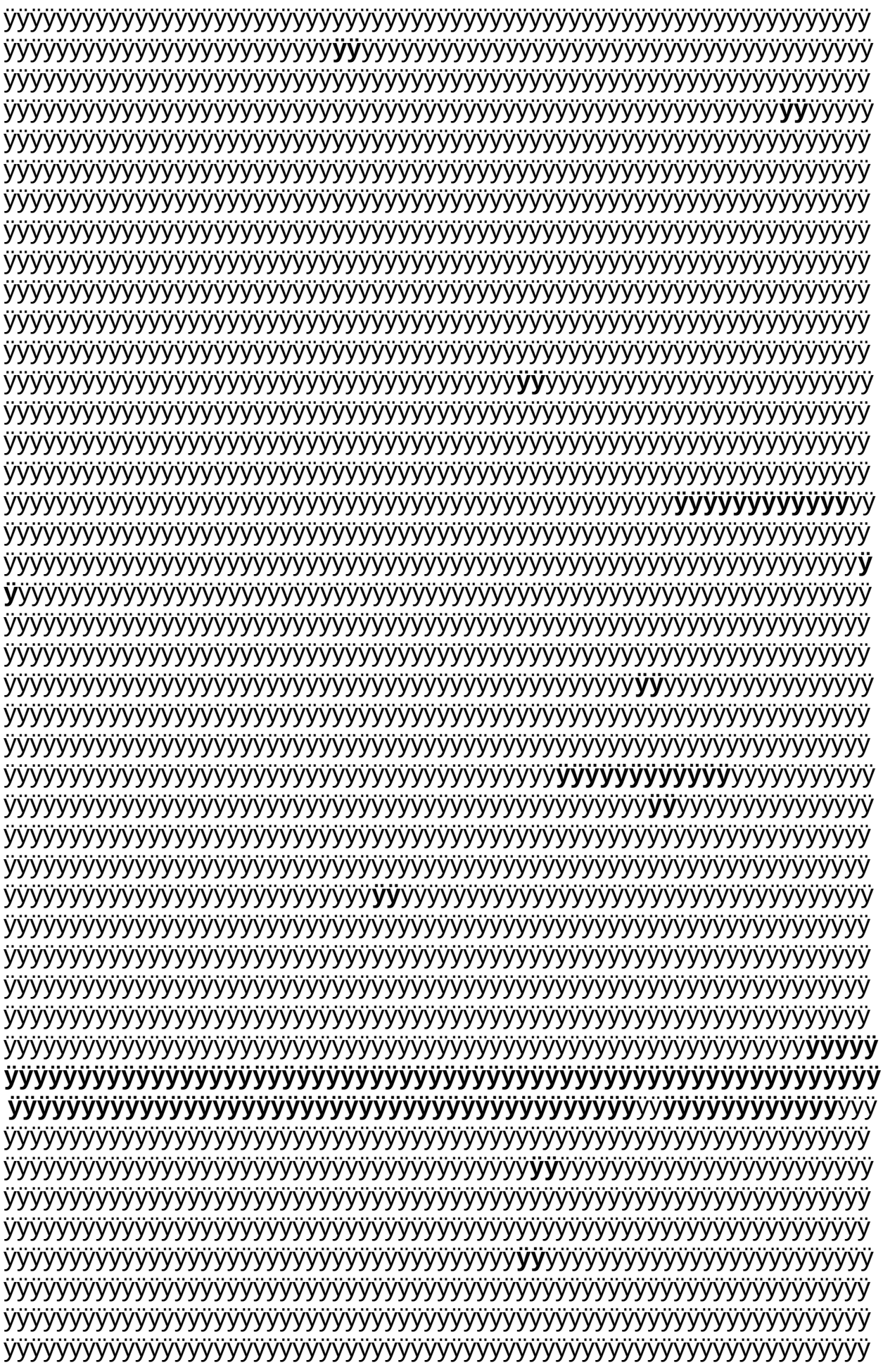

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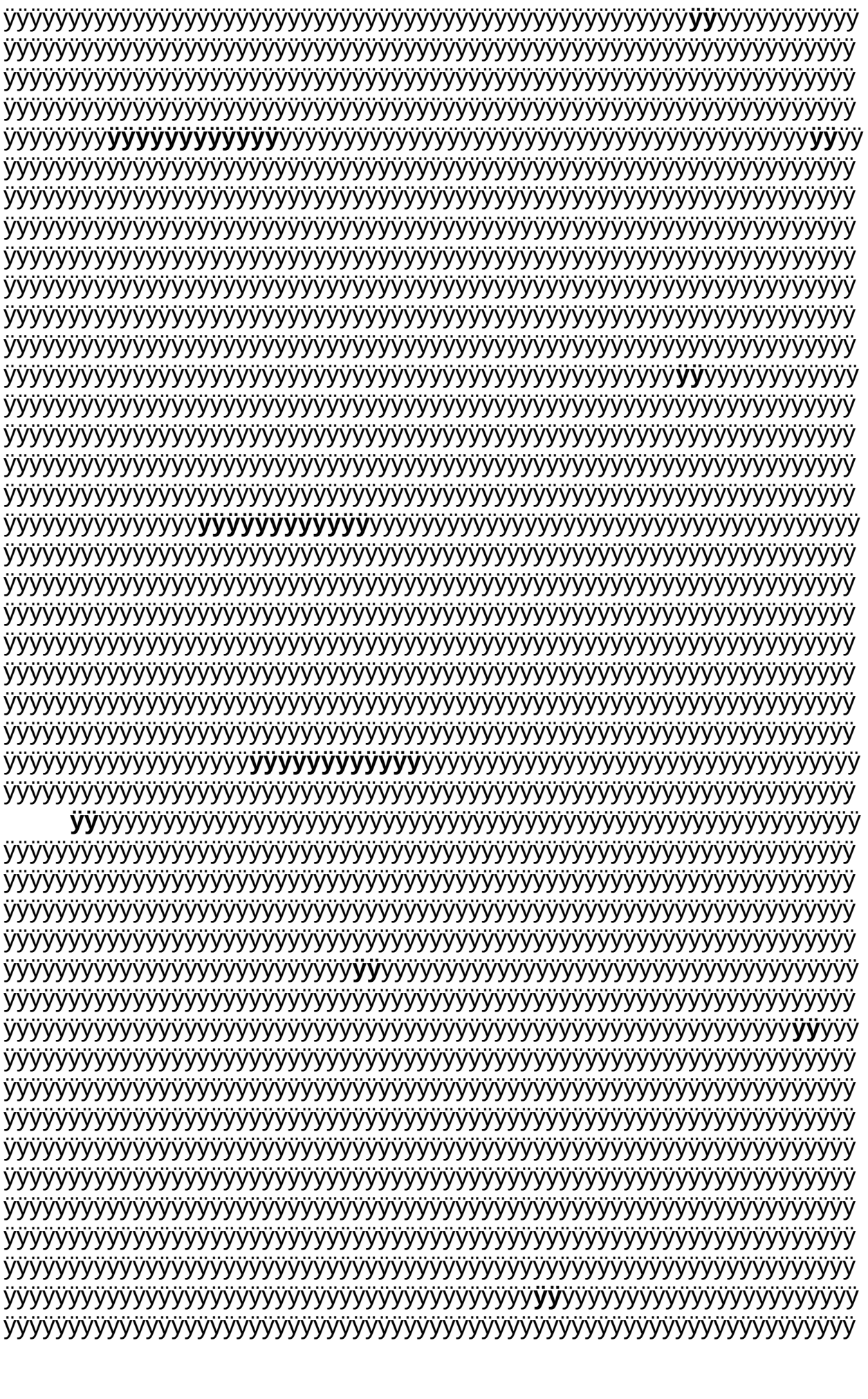

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and an auditor of the Clearing House of the Russian Federation, the Authorized Person on Human Rights in the Russian Federation and the President of the Russian Federation who has ceased exercising his powers, detained on a suspicion of committing a crime in accordance with the procedure, established by Article 91 of the present Code, with the exception of the detention on the scene of the crime, shall be released immediately after the identification of their person.

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and an auditor of the Clearing House of the Russian Federation, the Authorized Person on Human Rights in the Russian Federation and the President of the Russian Federation who has ceased exercising his powers, detained on a suspicion of committing a crime in accordance with the procedure, established by Article 91 of the present Code, with the exception of the detention on the scene of the crime, shall be released immediately after the identification of their person.

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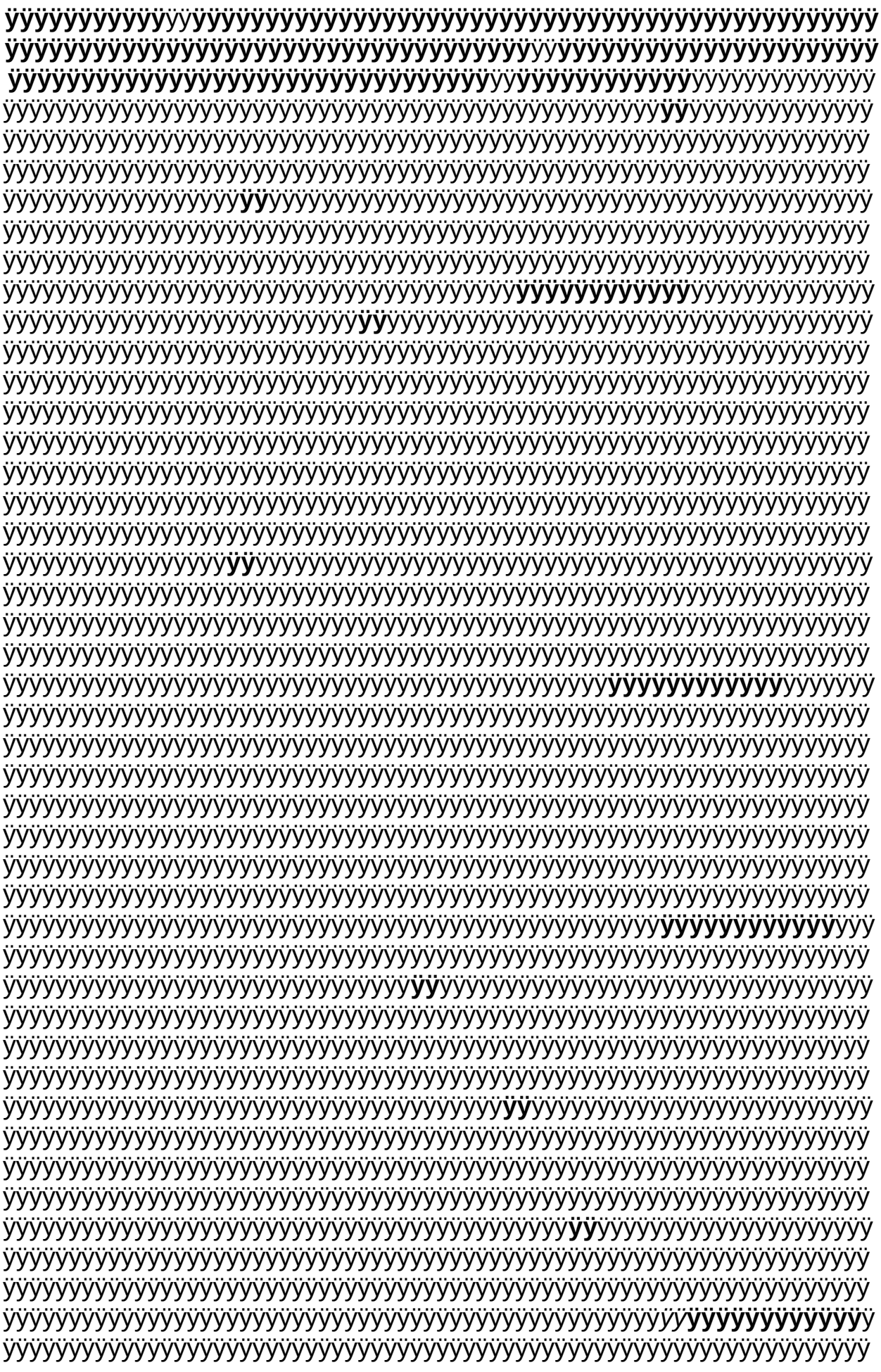

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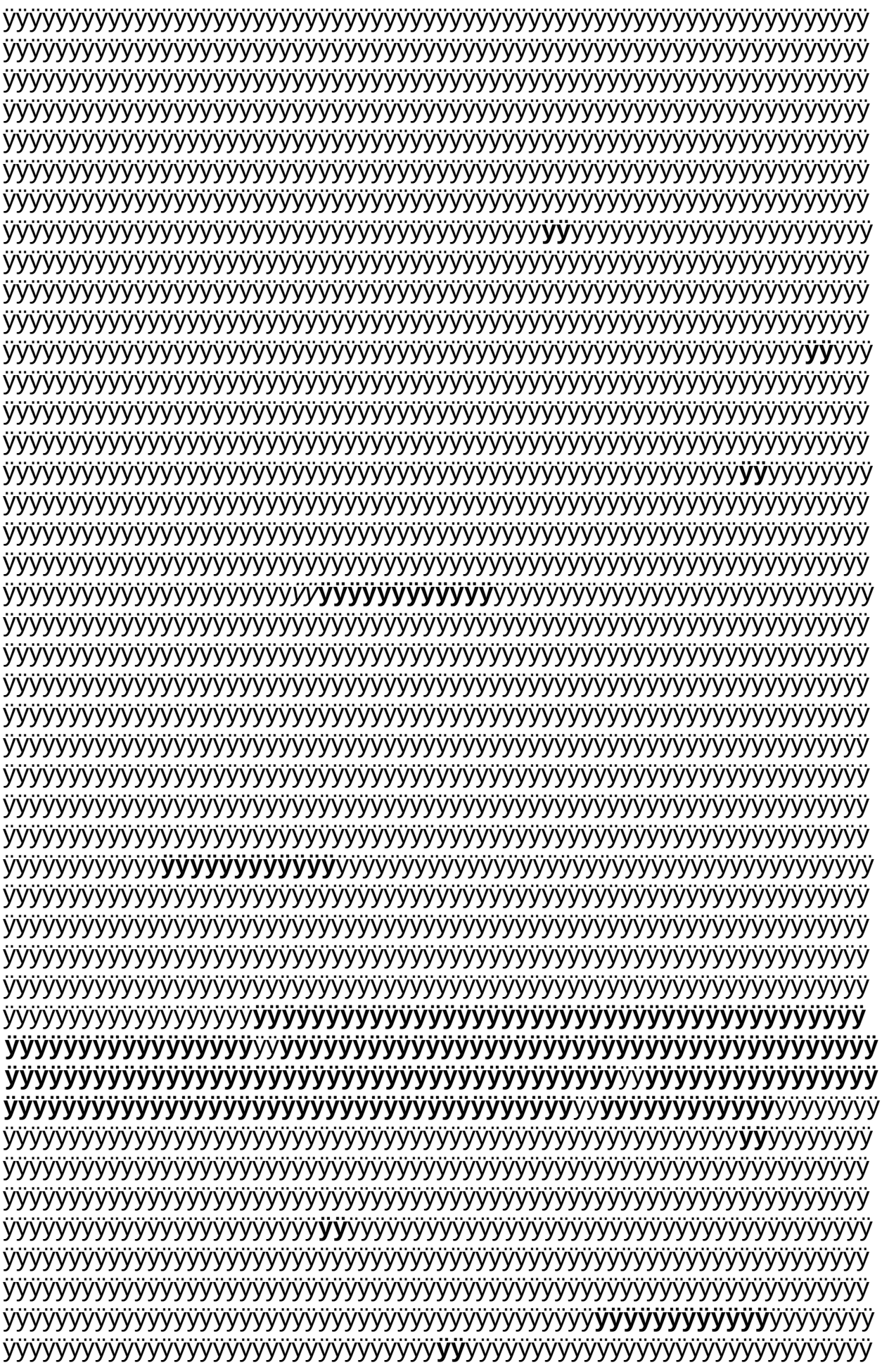

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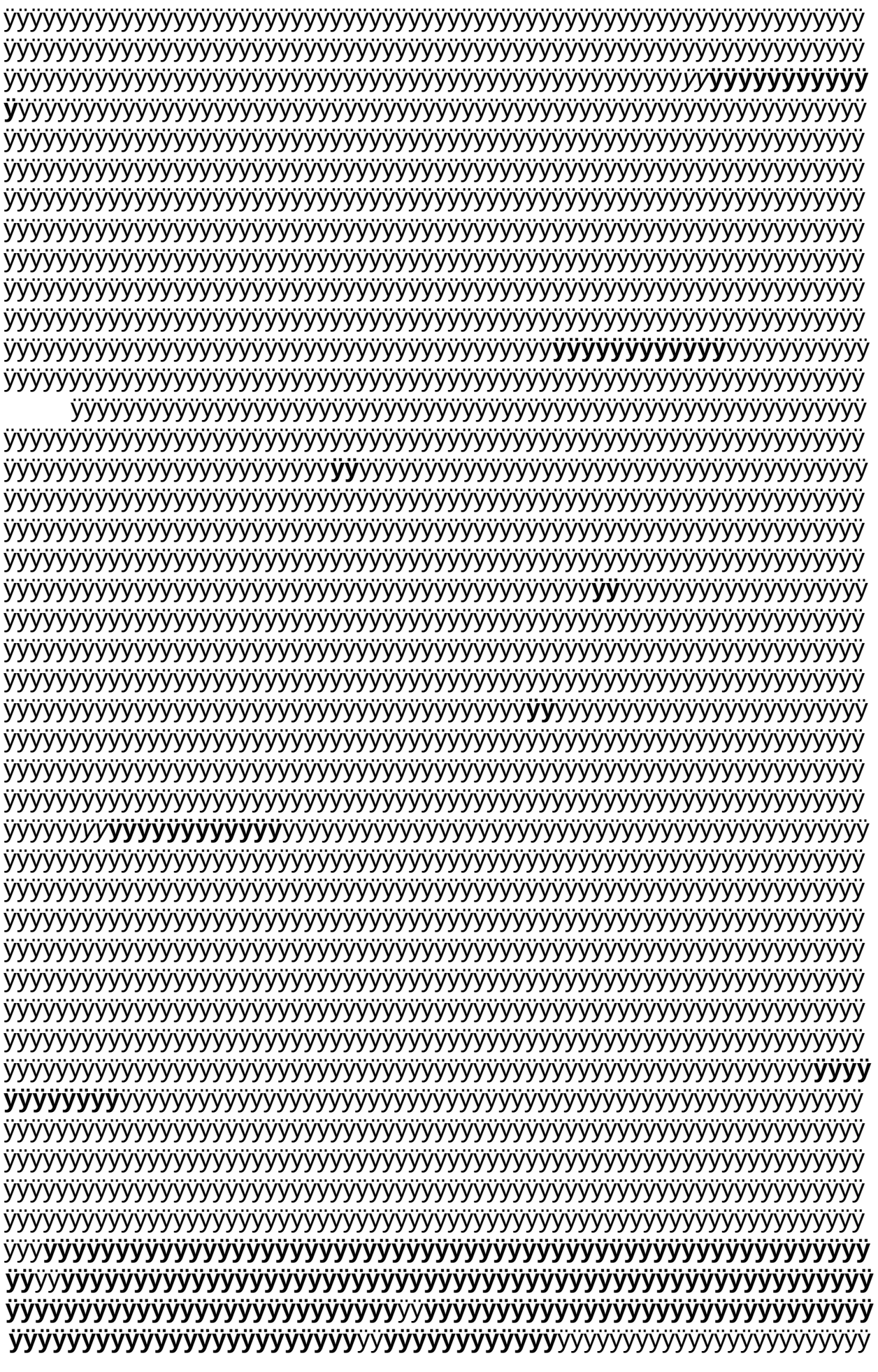

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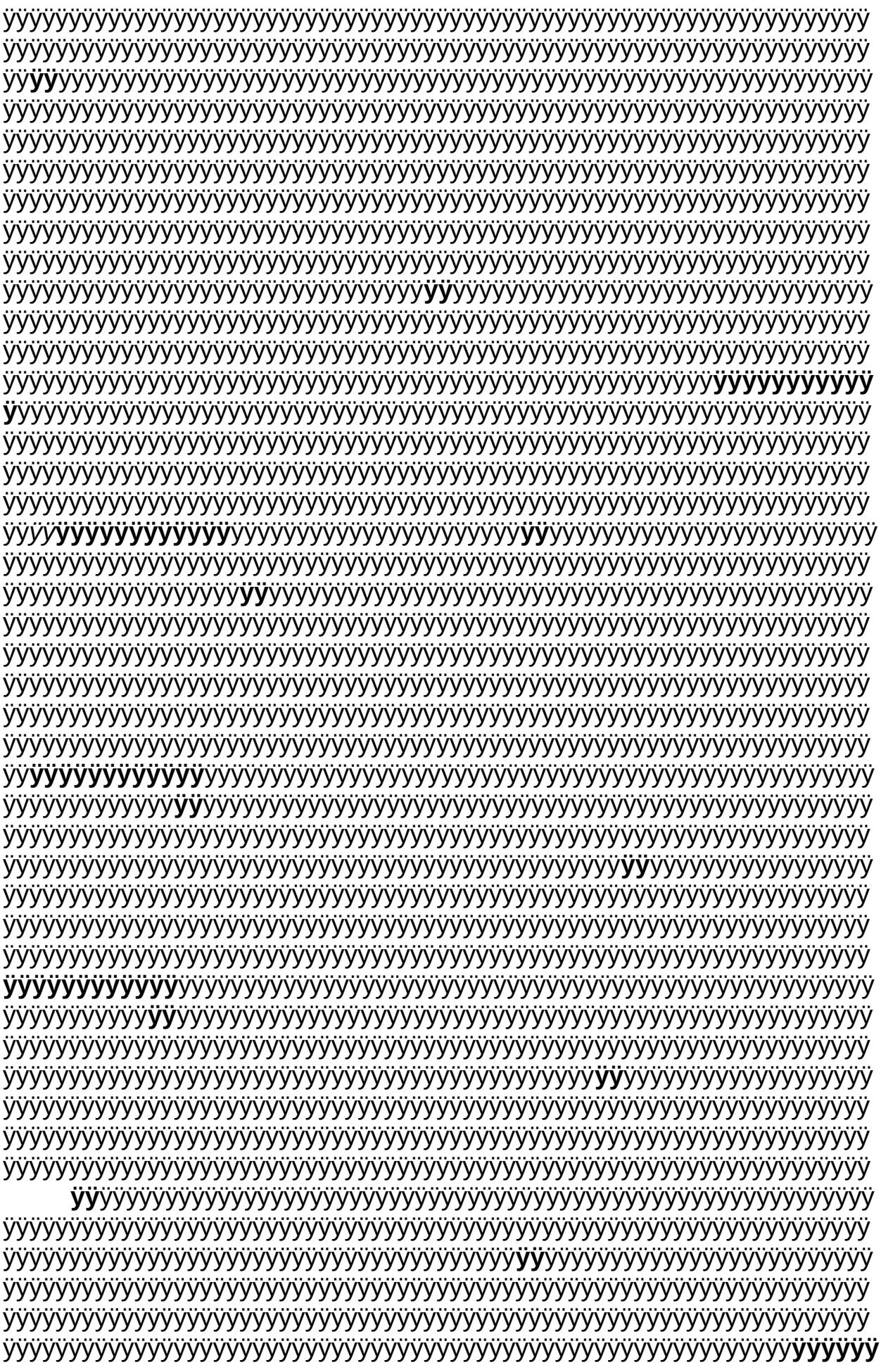

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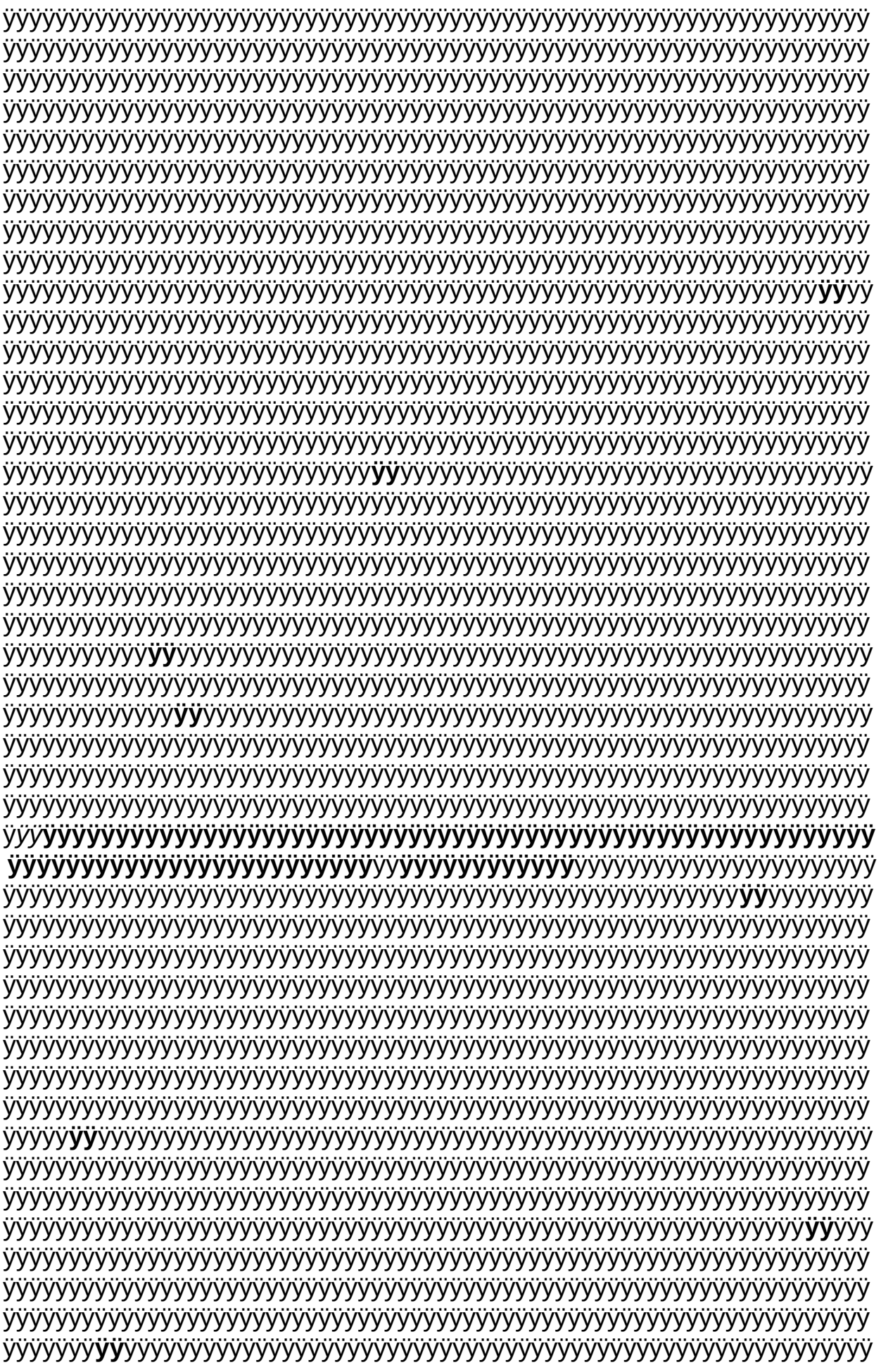

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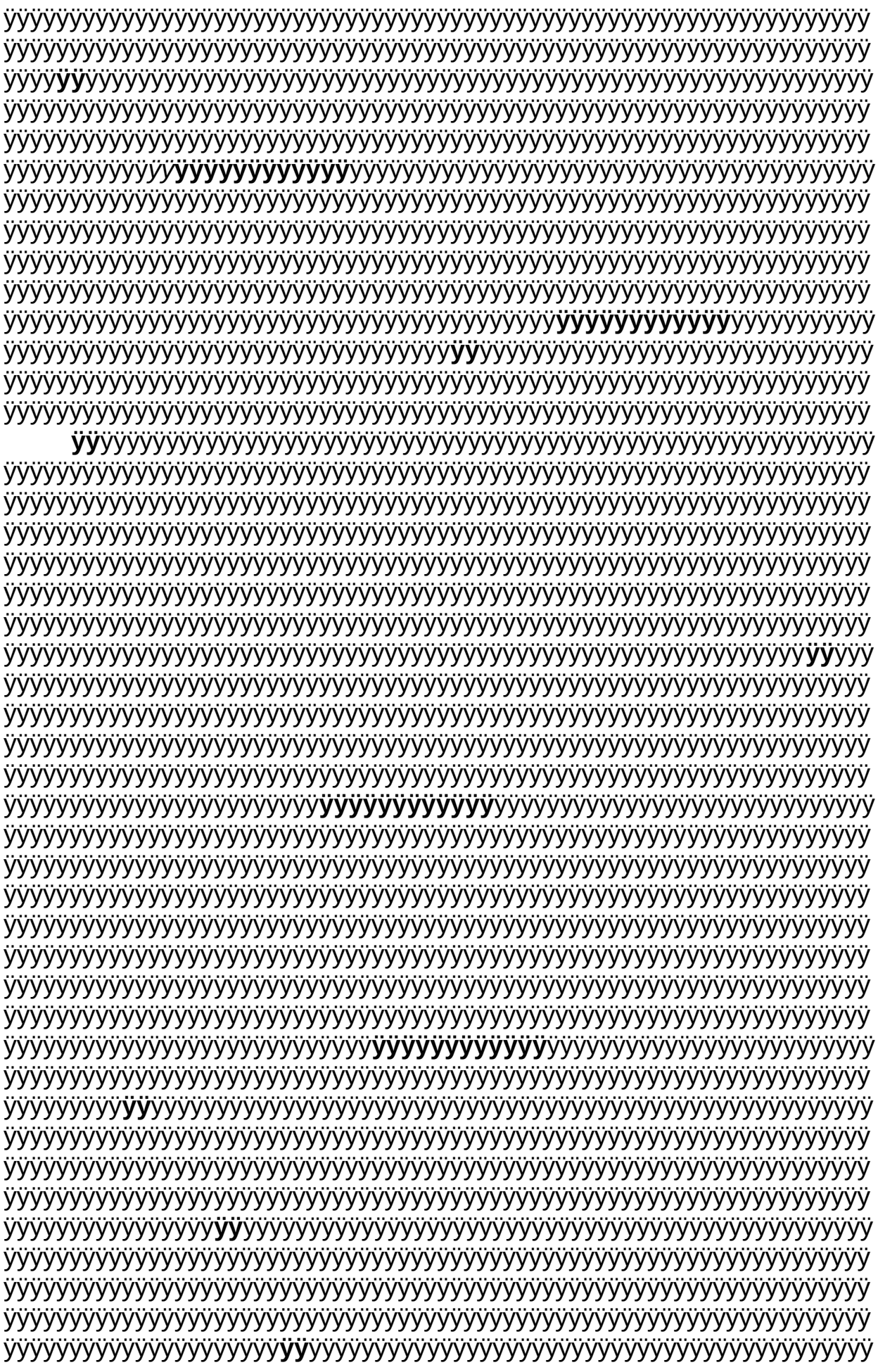

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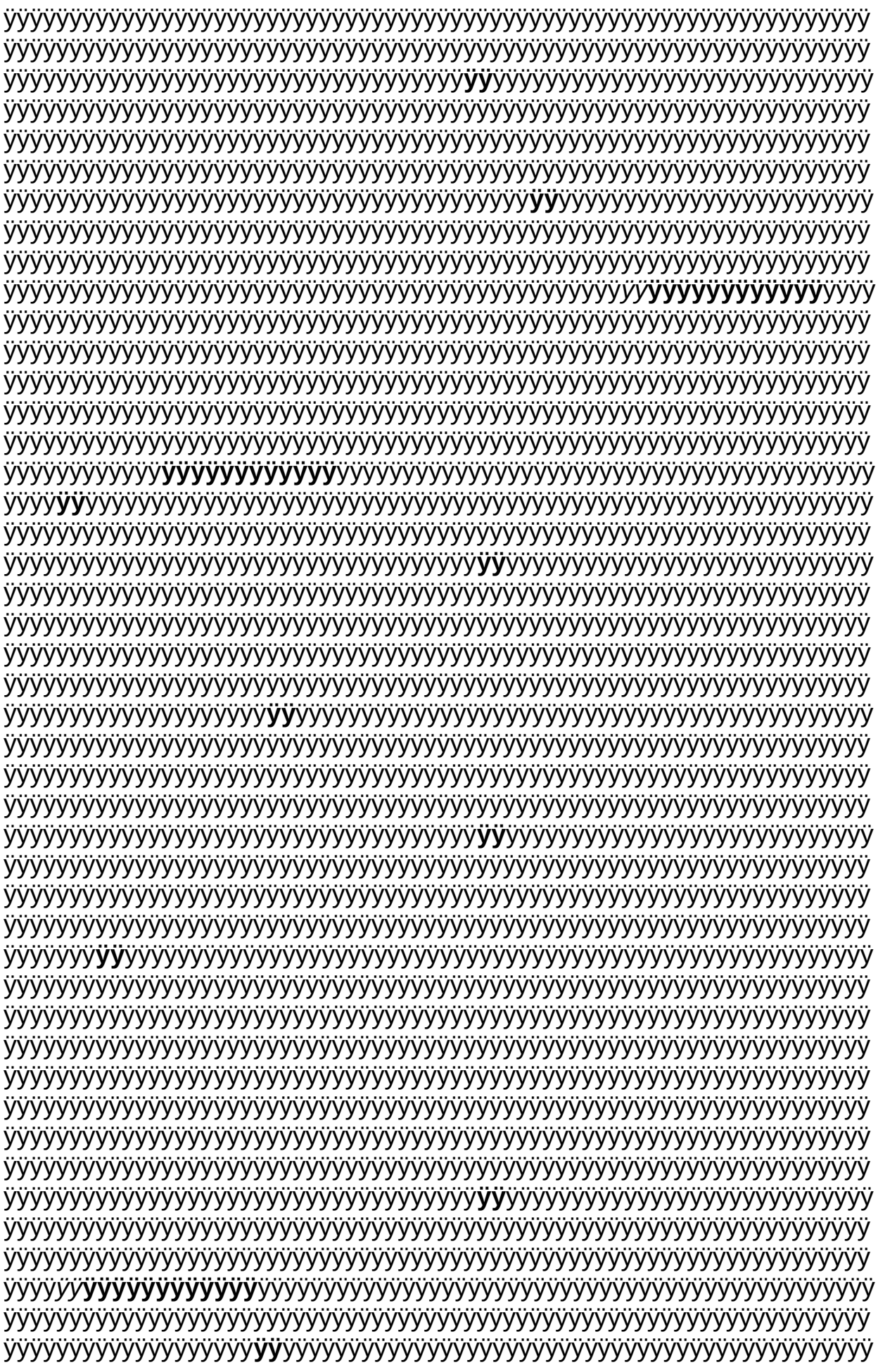

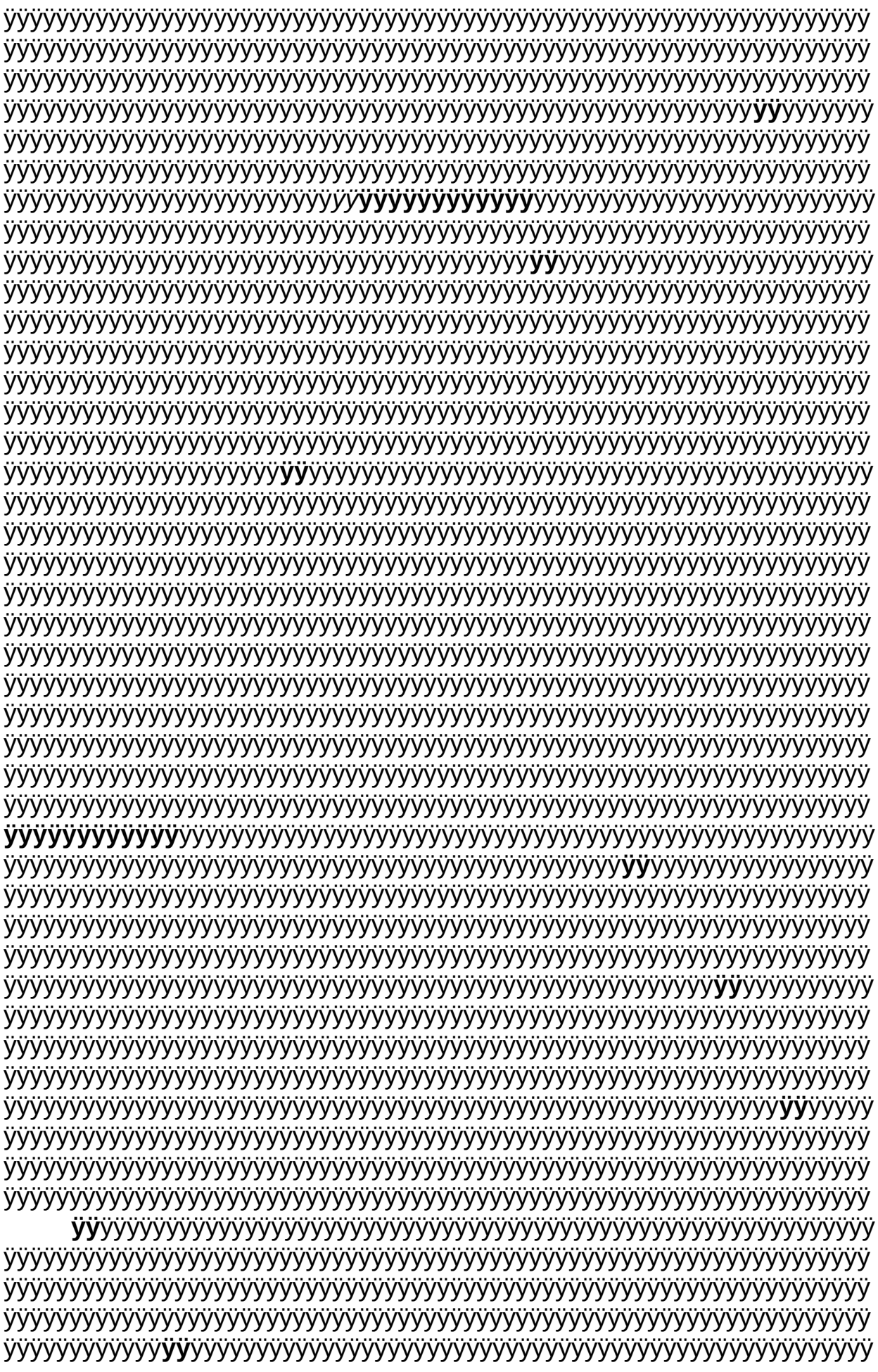

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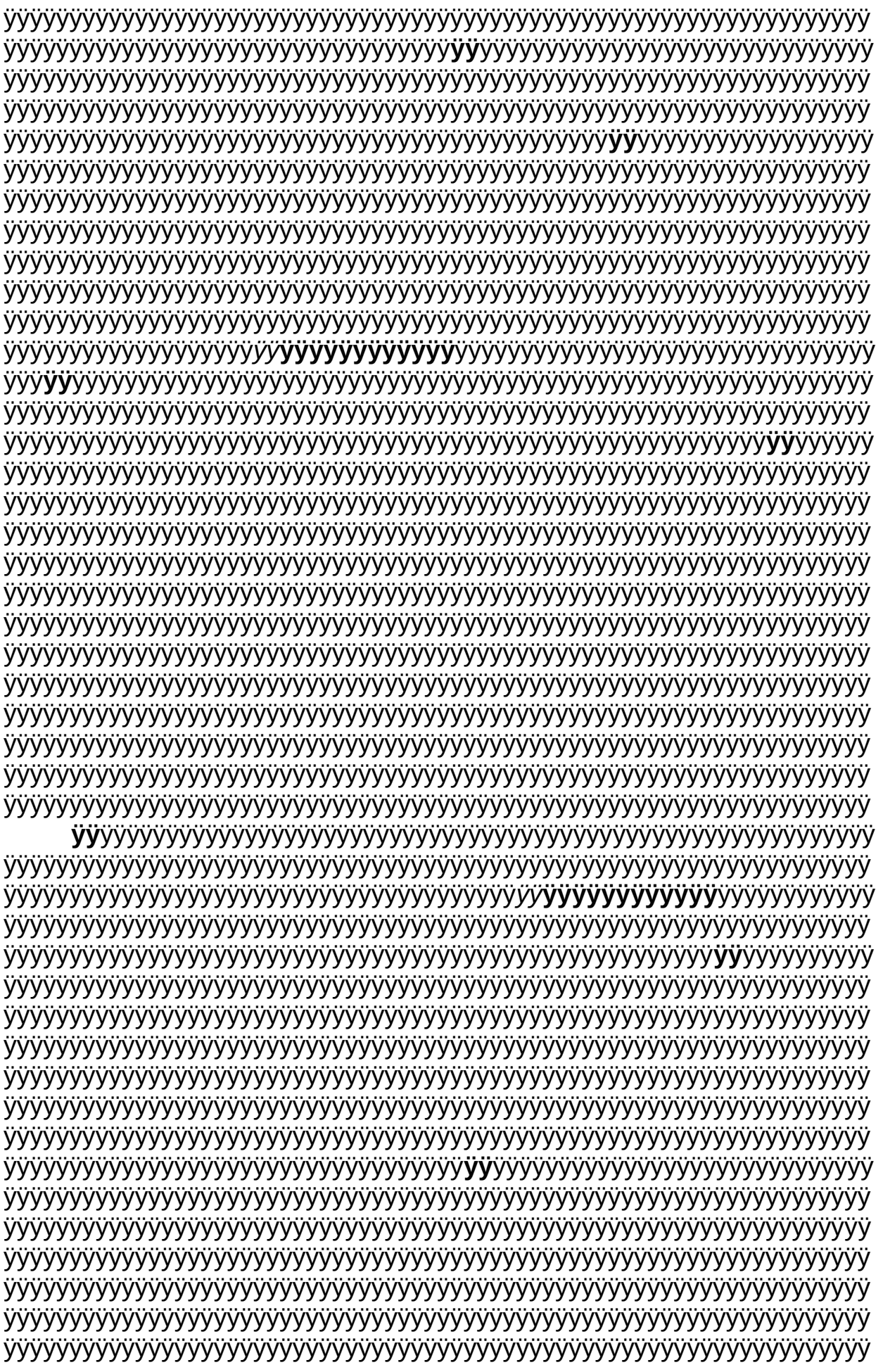

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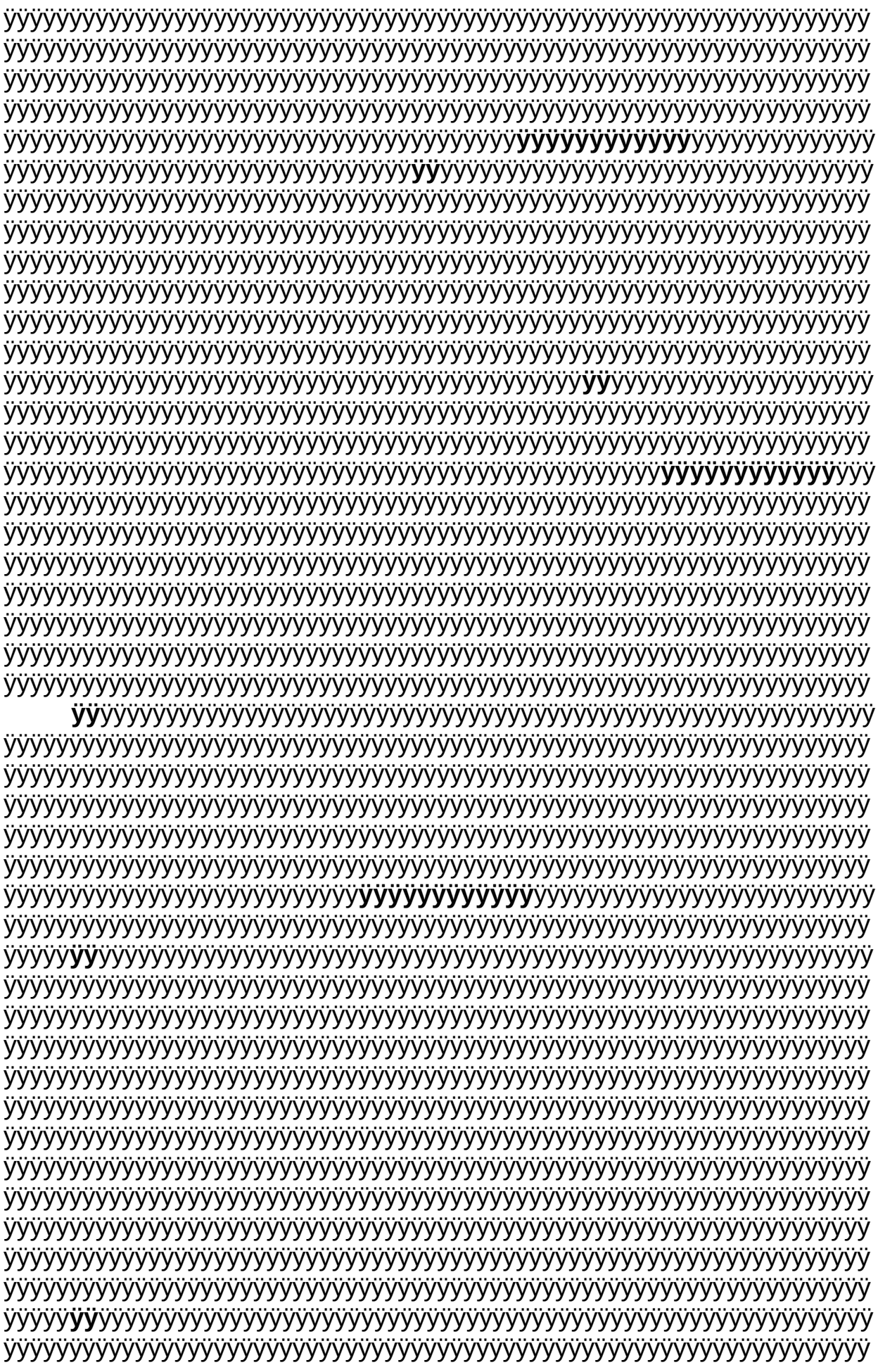

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and an auditor of the Clearing House of the Russian Federation, the Authorized Person on Human Rights in the Russian Federation and the President of the Russian Federation who has ceased exercising his powers, detained on a suspicion of committing a

crime in accordance with the procedure, established by Article 91 of the present Code, with the exception of the detention on the scene of the crime, shall be released immediately after the identification of their person.

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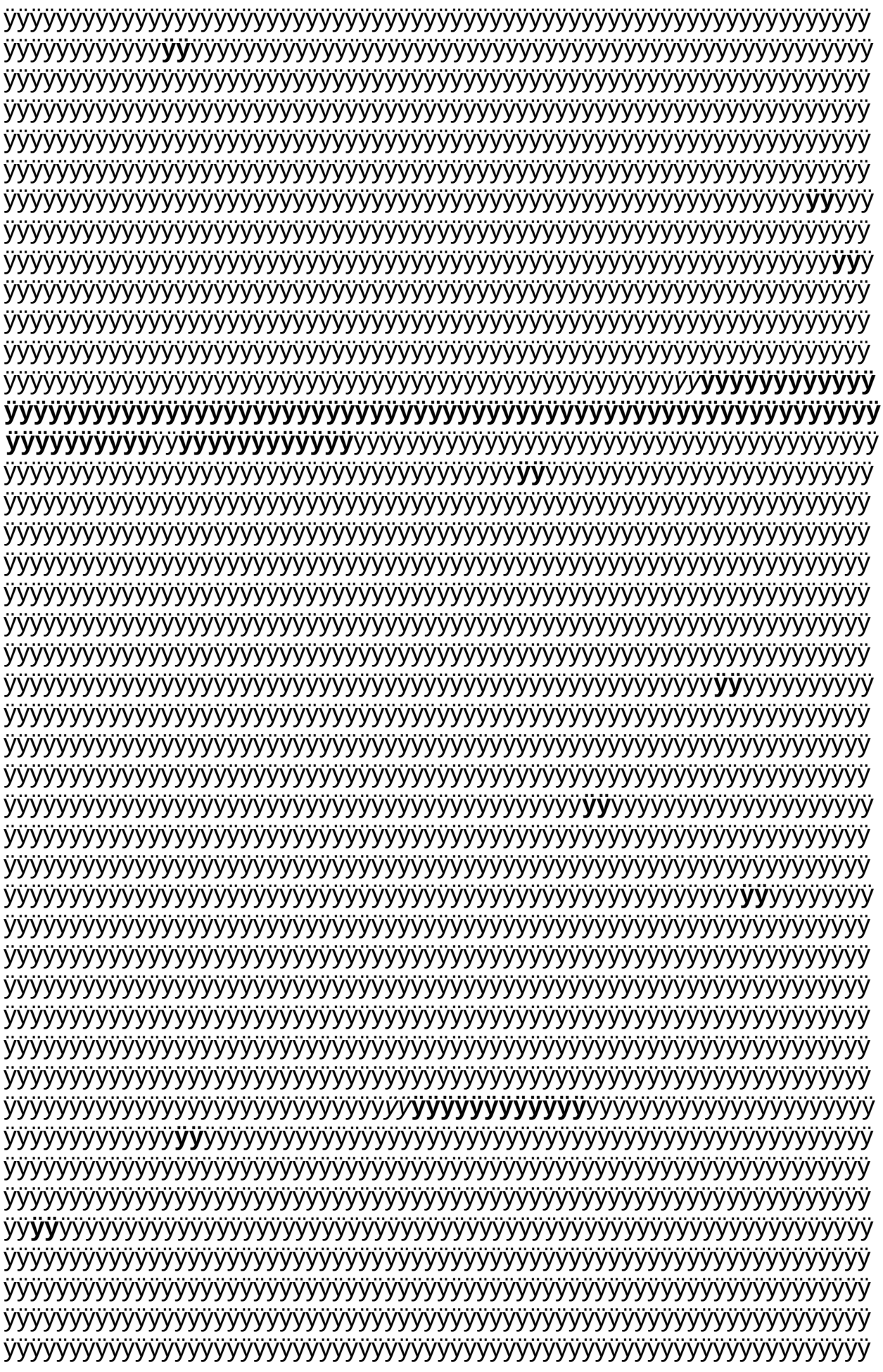

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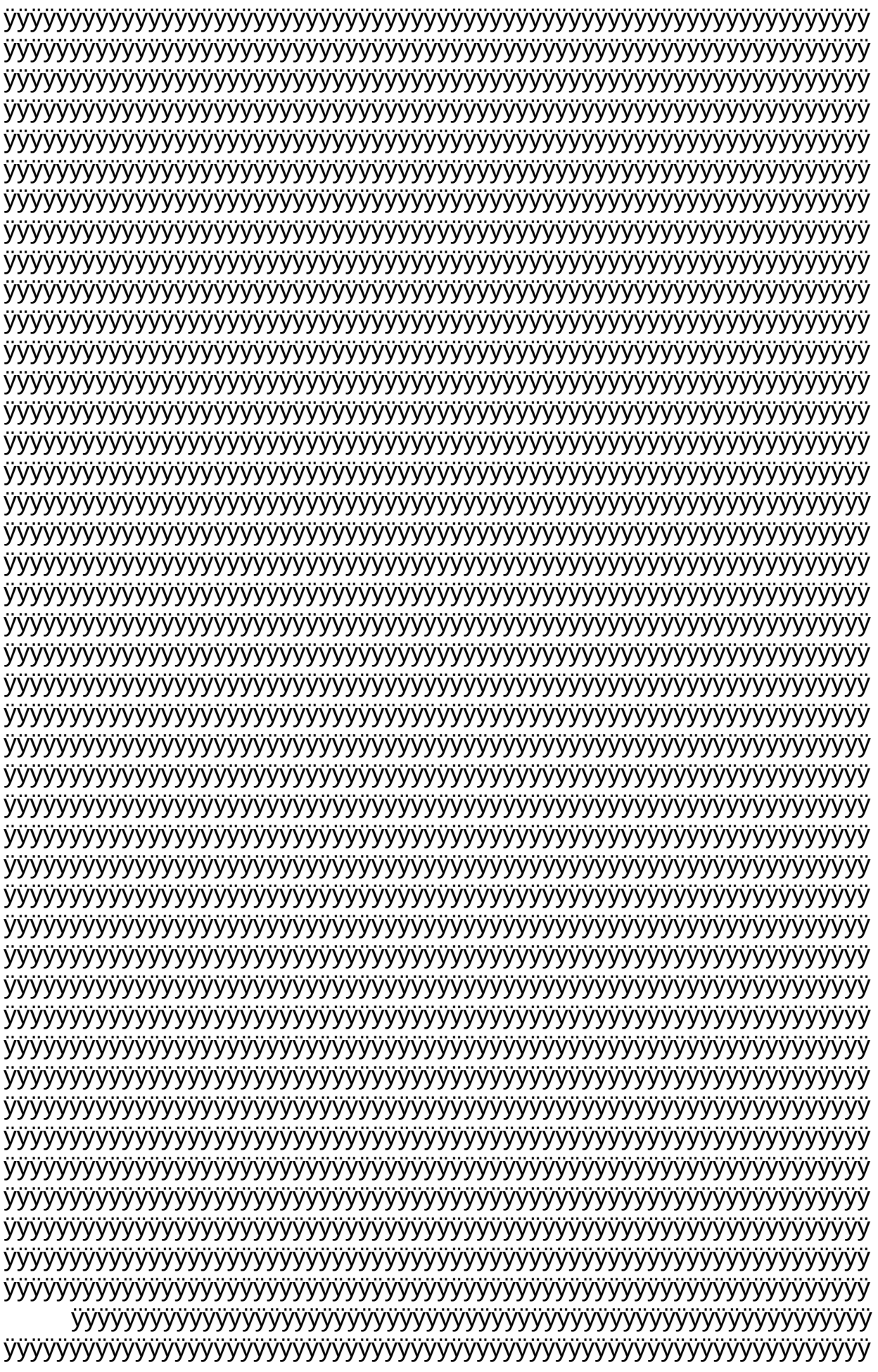

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Article 450. Specifics in the Selection of a Measure of Restriction and in the Performance of the Individual Investigative Actions

1. After instituting a criminal case or bringing a person to in the capacity of a defendant in the procedure defined by Article 448 of the present Code, the investigation and other procedural actions with respect to such a person are performed in the general procedure with the exceptions laid down by Article 449 of the present Code and the present Article.

2. The court decision on the selection with respect to a judge of the Constitutional Court of the Russian Federation and the judges of other courts of taking into custody as a measure of restriction, shall be executed with the consent of, respectively, the Constitutional Court of the Russian Federation or the qualifications college of judges.

3. The judicial decision on selecting with respect to a member of the Federation Council, deputy of the State Duma, the President of the Russian Federation who has ceased exercising his powers or to the Authorized Person on Human Rights in the Russian Federation, taking into custody as a measure of restriction or on making a search, shall be executed with the consent, respectively, of the Federation Council or of the State Duma.

4. A motivated decision of the Constitutional Court of the Russian Federation or of the qualifications college of judges on giving its consent to the selection with respect to a judge of taking into custody as a measure of restriction or on making a search shall be passed within a term of not later than five days from the day of arrival of the presentation from the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation and of the corresponding judicial decision.

4.1. The petition before the court for selection, as a measure of restriction, of confinement under guard may be initiated by an investigator or inquirer with respect to a registered candidate for deputy of the State Duma, a candidate for President of the Russian Federation with the consent of the Chairman of the Investigatory Committee under the Procurator's Office of the Russian Federation, and with respect to a registered candidate for deputy of the legislative (representative) body of state power of an entity of the Russian Federation - with the consent of the head of an investigatory body of the Investigatory Committee under the Prosecutor's Office of the Russian Federation for a constituent entity of the Russian Federation.

5. The investigative and other procedural actions performed in accordance with the present Code based solely on a decision of a court of law with respect to a person named in part one of Article 447 of the present Code, if no criminal case has been instituted in respect to him or is such a person was not brought to court in the capacity of defendant, shall be effected by approbation of the court indicated in Part One of Article 448 of this Code.

Article 451. Directing a Criminal Case to Court

When a criminal case has been instituted or a person brought to court in the capacity of defendant in the procedure defined in Article 448 of the present Code, upon completion of the preliminary investigation of the criminal case with respect to such a person, apart for the cases provided for in Article 452 of the present Code, it shall be forwarded to the court of law under whose systemic jurisdiction it is according to the jurisdiction laid down in Articles 31-36 of the present Code.

Article 452. Examination of a Criminal Case with Respect to a Member of the Federation Council, a Deputy of the State Duma or a Judge of the Federal Court

The criminal case with respect to a member of the Federation Council, to a Deputy of the State Duma or to a judge of the federal court shall be examined, upon their petition filed before the start of the judicial proceedings, by the Supreme Court of the Russian Federation.

Part Five. International Cooperation in the Sphere of Criminal Court Proceedings

Section XVIII. Procedure for the Interaction of Courts, Prosecutors, Investigators and the Inquest Bodies with the Corresponding Competent Bodies and Officials of Foreign States and with International Organizations

Chapter 53. Principal Provisions on the Procedure for the Interaction of the Courts, Prosecutors, Investigators and the Inquest Bodies with the Corresponding Competent Bodies and Officials of Foreign States and with International Organizations

Article 453. Directing an Inquiry for Legal Assistance

1. If it is necessary to carry out on the territory of a foreign state an interrogation, examination, seizure, search, court examination or other procedural actions, stipulated by the present Code, the court, the public prosecutor, investigator or inquirer shall direct an inquiry about the performance of such to the competent bodies or officials of the foreign state in conformity with an international treaty of the Russian Federation or with an international agreement, or on the principle of reciprocity.

2. The principle of reciprocity shall be confirmed by a written liability of the Supreme Court of the Russian Federation, of the Ministry of Foreign Affairs of the Russian Federation, the Ministry of Justice of the Russian Federation, the Ministry of Internal Affairs of the Russian Federation, the Federal Security Service of the Russian Federation, the Federal Service for Control over the Traffic of Narcotics and Psychotropic Substances of the Russian Federation or of the Office of the Procurator-General of the Russian Federation to render legal assistance to the foreign state on behalf of the Russian Federation in the performance of the individual procedural actions.

3. An inquiry on the performance of the procedural actions shall be forwarded through:

1) the Supreme Court of the Russian Federation concerning the issues involved in the judicial activity of the Supreme Court of the Russian Federation;

2) the Ministry of Justice of the Russian Federation - on the issues involved in the judicial activity of all the courts, with the exception of the Supreme Court of the Russian Federation;

3) the Ministry of Internal Affairs of the Russian Federation, the Federal Security Service of the Russian Federation, the Federal Service for Control over the Traffic of Narcotics and Psychotropic Substances of the Russian Federation - with respect to the investigative actions, not requiring a judicial decision or the consent of the public prosecutor;

4) the Office of the Procurator-General of the Russian Federation - in the rest of the cases.

4. The inquiry and the documents enclosed to it shall be translated into the official language of that foreign state, to which they are directed.

Article 454. Content and Form of the Inquiry

The inquiry on the performance of the procedural actions shall be compiled in writing, shall be signed by the official person who is forwarding it and shall be certified with the official stamp; it shall contain:

1) the name of the body, from which the inquiry is being directed;

2) the name and the place of location of the body, to which the inquiry is forwarded;

3) the name of the criminal case and the nature of the inquiry;

4) the data on the persons, with respect to whom the inquiry is directed, including the data on the date and the place of their birth, on their citizenship, on the kind of their occupations, on the place of their residence or of their stay, and as concerns the legal entities - their name and place of location;

5) a presentation of the circumstances subject to clarification, as well as the list of the enquired-after documents, of demonstrative and other proof;

6) information on the factual circumstances of the committed crime and on its qualification, the text of the corresponding Article of the Criminal Code of the Russian Federation and, if necessary, also information on the degree of the damage caused by the given crime.

Article 455. Legal Force of the Proof, Obtained on the Territory of a Foreign State

The proof, obtained on the territory of a foreign state by its official persons in the course of their fulfilling the orders on rendering legal assistance on criminal cases or forwarded to the Russian Federation in an enclosure to the orders on conducting the criminal prosecution in conformity with the international treaties of the Russian Federation and with the international agreements, or on the basis of the principle of reciprocity, certified and handed over in the established order, shall enjoy the same legal force as if they were obtained on the territory of the Russian Federation in complete conformity with the demands of the present Code.

Article 456. Summoning the Witness, Victim, Expert, Civil Claimant, Civil Defendant and Their Representatives, Who Are Outside the Territory of the Russian Federation

1. The witness, victim, expert, civil claimant, civil defendant and their representatives, who are outside of the territory of the Russian Federation, may be with their consent summoned by an official person, into whose proceedings the criminal case is placed, for the performance of the procedural actions on the territory of the Russian Federation.

2. An inquiry on the summons shall be directed in accordance with the procedure, established in the third part of Article 453 of the present Code.

3. The procedural actions with the participation of the persons, mentioned in the first part of this Article, who have come in response to the summons, shall be conducted in conformity with the order, established by the present Code.

4. The persons, mentioned in the first part of this Article, who have come in response to the summons, cannot be brought to the bar in the capacity of defendants, taken into custody or subjected to other forms of the restriction of personal freedom on the territory of the Russian Federation for the acts or on the ground of the sentences that have taken place before the said persons crossed the State Frontier of the Russian Federation. The immunity shall cease to operate, if the person, who has come upon the summons and who could leave the territory of the Russian Federation before an expiry of the uninterrupted term of 15 days from the moment when his presence was no longer necessary to the official person who has summoned him, stays on this territory or returns to the Russian Federation after the departure.

5. The person, who is held in custody on the territory of a foreign state, shall be summoned in accordance with the order, laid down by this Article, on the condition that this person is temporarily handed over to the territory of the Russian Federation by a competent body or by an official person of the foreign state for the performance of the actions, pointed out in the inquiry concerning the summons. Such person shall remain in custody over all the time of his stay on the territory of the Russian Federation, with the corresponding decision of the competent body of the foreign state serving as a ground for holding him in custody. This person shall be returned to the territory of the corresponding foreign state within the time term, indicated in the answer to the inquiry. The terms for handing him over or for the refusal to do so shall be determined by the international treaties of the Russian Federation or by the written liabilities, based on the principle of reciprocity.

Article 457. Execution of an Inquiry on Legal Assistance in the Russian Federation

1. The court, the public prosecutor or the investigator shall execute inquiries on the performance of the procedural actions, handed over to them in the established order, which have come in from the corresponding competent bodies of the foreign states in conformity with the international treaties of the Russian Federation and the international agreements, or on the basis of the principle of reciprocity. The principle of reciprocity shall be confirmed by a written statement of the foreign state on rendering legal assistance to the Russian Federation in the performance of the individual procedural actions, received by the Supreme Court of the Russian Federation, by the Ministry of Foreign Affairs of the Russian Federation, by the Ministry of Justice of the Russian Federation, by the Ministry of Internal Affairs of the Russian Federation, by the Federal Security Service of the

Russian Federation, by the Federal Service for Control over the Traffic of Narcotics and Psychotropic Substances of the Russian Federation, or by the Office of the Procurator-General of the Russian Federation.

2. In the execution of the inquiry shall be applied the norms of the present Code, but the procedural norms of the legislation of the foreign state may also be applied in conformity with the international treaties of the Russian Federation, with the international agreements or on the basis of the principle of reciprocity, unless this contradicts the legislation and the international liabilities of the Russian Federation.

3. In the execution of the inquiry may be attending the representatives of the foreign state, if this is stipulated by the international treaties of the Russian Federation or by a written liability on an interaction, based on the principle of reciprocity.

4. If the inquiry cannot be executed, the received documents shall be returned with an indication of the reasons which have prevented it from being executed, through the body that has received it or along diplomatic channels, to that competent body of the foreign state, from which the inquiry was directed. The inquiry shall be returned without execution, if it contradicts the legislation of the Russian Federation, or if its execution may inflict damage upon its sovereignty or security.

Article 458. Directing the Criminal Case Materials for Conducting the Criminal Prosecution

If the crime is perpetrated on the territory of the Russian Federation by a foreign citizen who has subsequently gone outside its boundaries so that it is impossible to perform procedural actions with his participation on the territory of the Russian Federation, all the materials on the instituted and the inquisited criminal case shall be handed over to the Office of the Procurator-General of the Russian Federation, and the latter shall resolve the question of their dispatch to the competent bodies of the foreign state for carrying out the criminal prosecution.

Article 459. Execution of the Inquiries on Carrying Out the Criminal Prosecution or on Instituting a Criminal Case on the Territory of the Russian Federation

1. An inquiry from the competent body of a foreign state on carrying out the criminal prosecution with respect to a citizen of the Russian Federation, who has perpetrated a crime on the territory of the foreign state and has returned to the Russian Federation, shall be considered by the Office of the Procurator-General of the Russian Federation. A preliminary inquisition and the judicial proceedings shall be conducted in such cases in accordance with the procedure, established by the present Code.

2. If a crime is committed on the territory of a foreign state by a person, who is a citizen of Russia and who has come back to the Russian Federation before the criminal prosecution was instituted on his account at

the place of the perpetration of the crime, the criminal case may be instituted and investigated by the materials, supplied by the corresponding competent body of the foreign state to the Office of the Procurator-General of the Russian Federation in conformity with the present Code, if there exist the grounds, stipulated by Article 12 of the Criminal Code of the Russian Federation.

Chapter 54. Extradition of a Person for the Criminal Prosecution or for the Execution of the Sentence

Article 460. Directing an Inquiry on the Extradition of a Person Staying on the Territory of a Foreign State

1. The Russian Federation may direct to a foreign state an inquiry on the extradition of a person for the criminal prosecution or for the execution of the sentence on the ground of an international agreement with this state, or of a written liability of the Procurator-General of the Russian Federation to extradite the persons to this state in the future on the basis of the principle of reciprocity in conformity with the legislation of the Russian Federation.

2. An inquiry on the extradition of a person on the basis of the principle of reciprocity shall be directed, if in conformity with the legislation of both states the act, in connection with which the inquiry for the extradition is forwarded, is criminally punishable and if for the perpetration of such is either envisaged a punishment in the form of the deprivation of freedom for a term of no less than one year, or a more severe punishment - in case of the extradition for the criminal prosecution, or the person is sentenced to the deprivation of freedom for a term of no less than six months - in case of the extradition for the execution of the sentence.

3. If the need arises for an inquiry on the extradition and if for this there exist the grounds and the conditions, pointed out in the first and in the second parts of the present Article, all necessary materials shall be submitted to the Office of the Procurator-General of the Russian Federation for resolving the issue of forwarding to the corresponding competent body of the foreign state an inquiry for the extradition of the person, staying on the territory of the given state.

4. An inquiry for the extradition shall contain:

1) the name and the address of the inquiring body;

2) the full name of the person, with respect to whom the inquiry for the extradition is directed, the date of his birth, the data on his citizenship, the place of his residence or of his stay, and the other data on his person, as well as, if possible, a description of his appearance, a photograph and the other materials, making it possible to identify the given person;

3) a description of the actual circumstances and the legal qualification of the act, committed by the person, with respect to whom the inquiry on the extradition is forwarded, including information on the size of the

damage he has caused, with citing the text of the law envisaging responsibility for this act and with an indication of the sanctions;

4) information on the place and the time of pronouncing the sentence, which has entered into legal force, or of the resolution on bringing to the bar in the capacity of the defendant, with an enclosure of the certified copies of the corresponding documents.

5. To the inquiry on the extradition for the criminal prosecution shall be enclosed a certified copy of the judge's resolution on the selection of taking into custody as a measure of restriction. To the inquiry on the extradition for the execution of the sentence shall be enclosed a certified copy of the sentence, which has come into legal force, and a reference note on the unserved term of punishment.

Article 461. Limits of Criminal Liability of the Person, Extradited to the Russian Federation

1. The person, extradited by a foreign state, cannot be detained, brought forward as the defendant, convicted without the consent of the state which has extradited him, or handed over to the third state for a crime, not indicated in the inquiry for the extradition.

2. No consent of the foreign state shall be required, if;

1) the person it has extradited has not left the territory of the Russian Federation in the course of 44 days after the day of completing the criminal court proceedings, serving the sentence or being released from it on some lawful ground. Into this term shall not be included the time, when the extradited person could not leave the territory of the Russian Federation not through his own guilt;

2) if the extradited person left the territory of the Russian Federation but then returned to the Russian Federation of his own free will.

3. The demands of the first part of this Article shall not be spread to cases when the crime is committed by the person pointed out in it, after his extradition.

Article 462. Execution of an Inquiry on the Extradition of a Person Staying on the Territory of the Russian Federation

1. The Russian Federation, in conformity with an international treaty of the Russian Federation or on the basis of the principle of reciprocity, may extradite to a foreign state a foreign citizen or a stateless person, staying on the territory of the Russian Federation, for conducting the criminal prosecution or for executing the sentence for acts criminally punishable in conformity with the criminal law of the Russian Federation and with the laws of the foreign state which sent an inquiry for the extradition of the person.

2. The extradition of a person on the basis of the principle of reciprocity shall signify that in accordance with the assurances of the foreign state that has forwarded an inquiry for the extradition, it may be

expected that in a similar situation extradition would be effected on an inquiry of the Russian Federation.

3. The extradition of a person may be effected in the following cases:

1) if the criminal law envisages for the perpetration of these acts a punishment in the form of the deprivation of freedom for a term of over one year, or a more severe punishment, when the person is extradited for criminal prosecution;

2) if the person, with respect to whom an inquiry for the extradition is directed, is sentenced to the deprivation of freedom for a term of not less than six months or to a tougher punishment;

3) if the foreign state which forwarded the inquiry may guarantee that the person, with respect to whom an inquiry for extradition is directed, will be prosecuted only for the crime pointed out in the inquiry, and that after completing the judicial proceedings and serving the sentence he shall be able to leave the territory of the given state without hindrance, and shall not be sent away, handed over or extradited to a third state without the consent of the Russian Federation.

4. The decision on the extradition of a foreign citizen or of a stateless person, staying on the territory of the Russian Federation and accused of committing a crime or convicted by the court of a foreign state, shall be adopted by the Procurator-General of the Russian Federation or by his Deputy.

5. The Procurator-General of the Russian Federation or the deputy thereof shall notify of an adopted decision in writing the person in respect of whom it is adopted, and shall explain thereto his/her right to appeal against this decision with court in compliance with Article 463 of this Code.

6. A decision on extradition shall enter into legal force in ten days as of the time of notifying the person in respect of whom it is adopted. In the event of appealing against the decision, the extradition shall not be effected pending the entry of the court decision into legal force.

7. If petitions for the extradition of one and the same person have arrived from several foreign states, the decision on what of these inquiries shall be satisfied shall be taken by the Procurator-General of the Russian Federation or by his Deputy. The Procurator-General of the Russian Federation or his Deputy shall inform about the adopted decision the person, with respect to whom it is adopted, in writing within 24 hours.

Article 463. Appealing the Decision on the Person's Extradition and the Judicial Check-Up of Its Legality and Substantiation

1. The decision of the Procurator-General of the Russian Federation or of his Deputy on the extradition may be appealed against with the Supreme Court of the Republic, with the territorial or the regional court, with the court of a city of federal importance, the court of an autonomous region or the court of an autonomous area at the location of the person, with

respect to whom this decision is adopted or by his counsel for the defence, within ten days from the moment of receiving a notification.

2. If the person, with respect to whom the decision on the extradition is adopted, is held in custody, the administration of the place of his detention after receiving the complaint, addressed to the court, shall immediately forward it to the corresponding court and shall inform about this the public prosecutor.

3. The public prosecutor shall direct to the court within ten days the materials, confirming the legality and the substantiation of the decision on the person's extradition.

4. Checking up the legality and the substantiation of the decision on the extradition of the person shall be performed within one month from the day of receiving the complaint by the court, consisting of three judges, in an open court session with the participation of the public prosecutor, of the person with respect to whom the decision on the extradition is adopted, and of his counsel for the defence, if he is taking part in the criminal case.

5. At the start of the session, the presiding justice shall announce what complaint is subject to consideration and shall explain to the present persons their rights, liabilities and responsibility. Then the applicant and/or his counsel for the defence shall substantiate the complaint, after which the floor shall once again be given to the public prosecutor.

6. In the course of the judicial proceedings the court shall not discuss the questions, concerning the guilt of the person who has filed the complaint, but shall restrict itself to checking up the correspondence between the decision on the extradition of the given person and the legislation and the international treaties of the Russian Federation.

7. As a result of the check-up, the court shall pass one of the following rulings:

1) on recognizing the decision on the extradition of the person as illegal or unsubstantiated, and on its cancellation;

2) on leaving the complaint without satisfaction.

8. If the decision on the person's extradition is cancelled, the court shall also cancel the measure of restriction, selected for the person who entered the complaint.

9. The court ruling on satisfying the complaint or on the refusal in this may be appealed against by way of cassation with the Supreme Court of the Russian Federation within seven days from the day of its adoption.

Article 464. Refusal in the Extradition of a Person

1. The extradition of a person shall be inadmissible, if:

1) the person, with respect to whom the inquiry for extradition has come from a foreign state, is a citizen of the Russian Federation;

2) the person, with respect to whom an inquiry on the extradition has come from a foreign state, has been granted asylum in the Russian Federation because of the possibility of his persecution in the given state

on account of race, religion, citizenship, nationality, affiliation with a certain social group, or because of his political views;

3) with respect to the person, named in the inquiry, for the same act a sentence is passed on the territory of the Russian Federation, which has entered into legal force, or the proceedings on the criminal case are terminated;

4) in conformity with the legislation of the Russian Federation, the criminal case cannot be instituted or the sentence cannot be executed because of an expiry of the term of legal limitation or on another legal ground;

5) there is the decision of the court of the Russian Federation, which has passed into legal force, on the existence of obstacles to the extradition of the given person in conformity with the legislation and the international treaties of the Russian Federation.

2. The extradition of a person may be refused, if:

1) the act which has served as a ground for directing an inquiry for the extradition, is not a crime under the criminal law;

2) the act, in connection with which an inquiry for the extradition is forwarded, is committed on the territory of the Russian Federation, or against the interests of the Russian Federation outside its territory;

3) the criminal prosecution of the person, with respect to whom an inquiry for the extradition is sent is being conducted for the same act in the Russian Federation;

4) the criminal prosecution of the person, with respect to whom an inquiry for the extradition is entered, is instituted by way of a private charge.

3. If the extradition of the person is not taking place, the Office of the Procurator-General of the Russian Federation shall notify to this effect the competent bodies of the corresponding foreign state, with an indication of the reasons behind the refusal.

Article 465. Postponement of the Person's Extradition and the Extradition of a Person for a Time

1. If a foreign citizen or a stateless person, with respect to whom an inquiry for the extradition has come in, is subject to the criminal prosecution or is serving a term for another crime on the territory of the Russian Federation, his extradition may be postponed till the termination of the criminal prosecution, till his release from the punishment on any lawful ground, or till he has served the sentence.

2. If the postponement of the extradition may entail an expiry of the term of legal limitation for the criminal prosecution, or may inflict a damage on the inquisition of the crime, the person mentioned in the inquiry may be extradited for a time, if there has been assumed a liability to observe the terms, established by the Procurator-General of the Russian Federation or by his Deputy.

Article 466. Selection or Application of a Selected Measure of Restriction to Provide for the Person's Probable Extradition

1. When an inquiry is received from a foreign state for a person's extradition and, with this, a judicial decision on taking in respect of this person a measure of restraint in the form of placing in custody is not presented, the prosecutor, for the purpose of ensuring the possibility of the person's extradition, shall resolve the issue on the necessity to select a measure of restriction for the person in the procedure stipulated by this Code.

2. If to an inquiry on the person's extradition there is enclosed the decision of a judicial body of the foreign state on taking the person into custody, the prosecutor shall have the right to place the person under home arrest or to take him/her into custody without confirming said decision by a court of the Russian Federation.

3. The Procurator-General of the Russian Federation or his Deputy shall immediately notify the competent body of the foreign state, which has directed the inquiry for the person's extradition.

Article 467. Handing Over the Extradited Person

1. The Russian Federation shall notify the foreign state about the place, time and date of handing over the extradited person. If the given person is not accepted within fifteen days from the date fixed for handing him/her over, he/she may be released from custody.

2. If a foreign state cannot accept the person subject to extradition due to circumstances which are not dependent on it and notifies the Russian Federation on it, the date of handing him/her over shall be postponed. The date of handing over may be postponed in the same procedure, if the Russian Federation cannot hand over the person subject to extradition due to circumstances which are not dependent on it.

3. In any case, the person shall be subject to release upon the expiry of thirty days as of the date fixed for handing him/her over.

Article 468. Handing Over the Objects

1. When handing over the extradited person to the corresponding competent body of a foreign state, the objects, which are the instruments of the crime, as well as the objects with the traces of the crime on them or those acquired in a criminal way may also be handed over. These objects shall be handed over under an inquiry, even if the extradition of the inquired person on cannot take place because of his death or on account of any other reasons.

2. The handing over of the objects, pointed out in the first part of this Article, may be temporarily suspended, if the given objects are necessary for the proceedings on another criminal case.

3. To provide for the lawful interests of the third persons, the handing over of the objects, pointed out in the first part of this Article, shall take

place only if there exists a liability of the corresponding institution of the foreign state on returning these objects after the proceedings on the criminal case are completed.

Chapter 55. Handing Over the Person Sentenced to the Deprivation of Freedom, for Serving the Sentence in the State of Which He Is a Citizen

Article 469. Grounds for Handing Over the Person Sentenced to Deprivation of Liberty

Seen as the grounds for handing over the person sentenced by a court of the Russian Federation to deprivation of freedom, for serving the sentence in the state of which he is a citizen, as well as for handing over a citizen of the Russian Federation sentenced by a court of a foreign state to the deprivation of liberty, for serving the sentence in the Russian Federation, shall be the court decision based on the results of considering the proposal of the federal executive body authorised in the sphere of the execution of penalties or the application of the convict or a representative thereof, as well as of the competent authority of a foreign state in compliance with an international treaty of the Russian Federation or an agreement in writing between the competent authority of the Russian Federation and the competent authority of the foreign state on the basis of the principle of reciprocity.

Article 470. Procedure for Considering by Court the Issues Connected with Handing Over a Person Sentenced to Deprivation of Liberty

1. The proposal of the federal executive body authorised in the sphere of the execution of penalties, as well as an application of the convict, a representative thereof, or the competent authority of a foreign state on handing over a person sentenced to deprivation of liberty for serving his/her sentence in the state of which this person is a citizen, shall be considered by the court in the procedure and within the time period which are established by Articles 396, 397 and 399 of this Code subject to the requirements of this Article and Articles 471 to 472 of this Code.

2. Where it is impossible for the court to consider the issue of handing over the convict due to the incompleteness or absence of required data, the judge shall be entitled to postpone its consideration and to request for missing data or to direct the convict's application without consideration thereof to the competent authority of the Russian Federation for collecting required information in compliance with regulations of an international treaty of the Russian Federation, as well as for the preliminary coordination of the issue on the convict's handing over with the competent authority of a foreign state.

Article 471. Reasons for the Refusal to Hand Over the Person Sentenced to Deprivation of Liberty for Serving Punishment in the State of Which He/She Is a Citizen

Handing over of the person, sentenced to deprivation of liberty by a court of the Russian Federation for serving the term in the state of which he/she is a citizen, may be refused in cases, when:

1) none of the deeds for which the person is convicted, is recognized as a crime in accordance with the legislation of the state of which he is a citizen;

2) the punishment cannot be executed in the foreign state as a result of:

a) the expiry of the term of legal limitation or for other grounds, stipulated by the legislation of this state;

b) non-recognition by a court or other competent authority of a foreign state of the sentence passed by a court of the Russian Federation without establishing the procedure for, and terms of, the convict's serving punishment on the territory of the foreign state;

c) incompatibility of the terms of, and procedure for, serving punishment by the convict determined by a court or other competent authority of the foreign state;

3) guarantees of execution of the sentence in the part of the civil claim have not been received from the convict or from the foreign state;

4) no consensus is reached on handing over the convict on the terms, stipulated by an international treaty of the Russian Federation;

5) the convict has a permanent place of residence in the Russian Federation.

Article 472. Procedure for the Court's Resolution of Questions Involved in Execution of the Sentence Passed by Court of a Foreign State

1. If a court, when considering a presentation (application) for passing over a citizen of the Russian Federation sentenced to deprivation of liberty by a court of a foreign state, comes to the conclusion that the deed for which the citizen of the Russian Federation is convicted is not a crime under the laws of the Russian Federation, or the sentence of the foreign state's court may not be executed by virtue of the expiry of the limitation period, as well as for any other reason provided for by laws of the Russian Federation or an international treaty of the Russian Federation, it shall issue a ruling on the refusal to recognize the sentence of the foreign state's court.

2. In all other instances the court shall issue a decision on the recognition and execution of the foreign state's sentence, and shall indicate the following:

1) the title of the foreign state's court, the date and place of passing the sentence;

2) data on the last place of residence of the convict in the Russian Federation, on his/her place of employment and occupation prior to sentencing;

3) the description of the crime, of whose commission the convict is found guilty, and the criminal law of the foreign state under which he/she is convicted;

4) the article of the Criminal Code of the Russian Federation under which the crime committed by the convict is punishable;

5) the type and term of the inflicted punishment (principal and additional ones), the served term and the term of punishment which the convict has to serve in the Russian Federation, the start and end thereof, the type of correctional facility, the procedure for indemnification under a civil claim.

3. If under the Criminal Code of the Russian Federation the maximum term of deprivation of liberty for a given crime is less than that inflicted under the sentence of the foreign state's court, the court shall determine the maximum term of liberty deprivation for committing this crime provided for by the Criminal Code of the Russian Federation. If under the Criminal Code of the Russian Federation deprivation of liberty is not provided for as a punishment for the crime committed by the person, the court shall determine another punishment matching the maximum punishment inflicted under the sentence of the foreign state's court within the limits established by the Criminal Code of the Russian Federation for this crime.

4. Where the sentence of a foreign state's court concerns two or several deeds, not all of which are crimes in the Russian Federation, the court shall determine what part of the punishment inflicted under the sentence of the foreign state's court shall apply to the deed which is criminal.

5. The court's decision shall be executed in the procedure established by Article 393 of this Code.

6. In the event of reversal or alteration of a sentence passed by a foreign state's court or of applying in respect of the person serving punishment in the Russian Federation acts of amnesty or clemency issued in the foreign state, the issues concerning the reviewed sentence of the foreign state's court, as well as the application of the acts of amnesty or clemency shall be settled in compliance with the requirements of this Article.

Article 473. *Abolished*

Part Six. Forms of Procedural Documents

Section XIX. Using Forms of Procedural Documents

Chapter 56. Procedure for Using Forms of Procedural Documents

Article 474. Formalization of Proceedings and Decisions Using Forms of Procedural Documents

1. Abrogated.

2. Procedural documents can be printed or made in the electronic or any other way. Where there are no forms of procedural documents, which are printed or made in the electronic or any other way, they can be written by hand.

3. Abrogated.

4. Abrogated.

Article 475. Abrogated.

Chapter 57. List of Procedural Documents' Forms

Federal Law No. 87-FZ of June 5, 2007 abrogated Chapter 57 (Articles 476-477) of this Code.

President of the Russian Federation