

Justice Across Borders

Knowledge Booklet – Criminal Trials in Four Systems

1. Project Title

Justice Across Borders: How Different Courts Judge the Same Crime

2. Brief Description

In this project, students will explore how **one criminal case can lead to different outcomes** in different countries, not because the facts change, but because **legal systems and trial procedures are different.**

We will focus on four types of criminal trial systems and four example countries:

- **Adversarial jury trial – United States**
- **Inquisitorial judge-led trial – France**
- **Hybrid lay-judge + professional judges**

– Japan

- **Sharia-based judge trial – Saudi Arabia**

Students will first learn the **basic structure** of each system (who is in the courtroom, who decides, how a trial flows), and then later **role-play the same crime case** in each system.

3. Goals

By the end of the project, students should be able to:

- Explain, in simple terms, the difference between:
- **Adversarial vs inquisitorial vs hybrid lay-judge vs Sharia-based trials.**
- Identify the **main courtroom roles** in each country (judge, jury/lay judges, prosecutor, defence, etc.), including their **names in the local language.**
- Describe how a **criminal case (like an assault)** moves through the trial in

each system.

- Understand that **the same facts** can still lead to **different procedures and outcomes**, depending on the legal system.

4. Trial Systems and Example Countries

1) Adversarial Jury Trial – United States

(Other examples: United Kingdom, Canada, Australia, New Zealand)

2) Inquisitorial Judge-Led Trial – France

(Other examples: Germany, Spain, Belgium, many continental European countries)

3) Hybrid Lay-Judge + Professional Judges – Japan

(Other examples: Germany, Norway,

Sweden, Italy – all use some form of mixed professional + lay judges)

4) Sharia-Based Judge Trial – Saudi Arabia

(Other examples: Iran, parts of Pakistan (in some areas of law), some other Gulf countries – but they differ in details)

5. Short Description of Each System

5.1. Adversarial Jury Trial (USA)

- **Logic:**
- **Two sides – prosecution vs defence – present their case like a controlled “debate”.**
- **The judge is a neutral referee.**
- **A jury of citizens decides whether the defendant is guilty or not guilty.**
- **Source of law:**
- **Statutes (codes) + precedent (past**

court decisions in similar cases).

5.2. Inquisitorial Judge-Led Trial (France)

- **Logic:**
- Judges actively **investigate and question** during the hearing.
- Less like a fight between two sides, more like an official **inquiry into the truth**.
- **Source of law:**
- Mainly **legal codes** (Code pénal, Code de procédure pénale), not binding case-law.

5.3. Hybrid Lay-Judge + Professional Judges (Japan)

- **Logic:**
- For serious crimes, **professional judges and lay judges (citizens)** sit together as **one panel**.
- They jointly decide both **guilt and**

sentence.

- **Source of law:**
- **Penal Code** and other statutes (civil-law tradition), with guidance from case-law but not like common law.

5.4. Sharia-Based Judge Trial (Saudi Arabia)

- **Logic:**
- Trials are **judge-only** (no jury).
- Judges apply **Sharia principles** plus national laws that must conform to Sharia.
- **Source of law:**
- **Sharia** (Qur'an, Sunnah) + **Saudi Law of Criminal Procedure** and other regulations.

6. Other Countries in the Same Families

- **Adversarial + Jury (common law):**

- USA, UK, Canada, Australia, New Zealand, Ireland.
- **Inquisitorial / Judge-Led (civil law):**
- France, Germany, Spain, Belgium, Netherlands, many Latin American countries.
- **Hybrid Panels (professional + lay judges):**
- Japan (saiban-in system), Germany (Schöffengerichte), Norway, Sweden, Denmark, Italy (Corte d'assise).
- **Sharia-based / mixed with Sharia:**
- Saudi Arabia, Iran, some aspects of law in Pakistan and other Gulf states (details vary).

7. How Trials Work in Each Country (Criminal Cases)

Below is only about criminal cases, especially **assault / violent offences** similar to our project case.

7.1. United States – Criminal Jury Trial

Criminal levels:

- **Felony:** serious crime, usually punishable by **more than 1 year** in prison.
- **Misdemeanor:** less serious, usually **up to 1 year**.

For **felonies**, the accused has a strong right to a **jury trial** in most systems.

Main roles & names

- **Judge** – “Judge”, addressed as “Your Honor”.
- **Jury (petit jury)** – **12 jurors** for serious federal criminal cases, selected from local citizens.
- **Prosecutor** – **U.S. Attorney / Assistant U.S. Attorney** (federal) or **District Attorney** (state).
- **Defense attorney** – criminal defence

lawyer.

- **Defendant** – the accused person.
- **Witnesses** – people who testify.
- (There is also a **grand jury** of 16–23 jurors to decide whether to indict, but that is **pre-trial**, not our focus.)

Simple idea of a criminal assault case

- Prosecution charges the defendant with **assault** or **aggravated assault** (for serious injury).
- Prosecution must prove guilt **beyond a reasonable doubt**.
- Defendant may argue **self-defence**: they used necessary and reasonable force to protect themselves.

Trial flow

- **Before trial**:
- Investigation, arrest, charging.
- Pre-trial hearings, exchange of

- evidence, possible plea negotiations.
- **During trial:**
- Jury selection.
- **Opening statements** (prosecution, then defence).
- **Prosecution case** – witnesses, evidence, cross-examination.
- **Defence case** – may present evidence or simply argue doubt.
- **Closing arguments** – both sides.
- **Judge's instructions** – explains the law and definitions.
- **Jury deliberation** – private discussion and vote.
- **After trial:**
- Jury returns verdict: **not guilty** or **guilty** (sometimes of a lesser offence).
- If guilty, **sentencing** later (judge decides sentence).

Courtroom layout

Front of room:

- Judge on a raised bench in the centre.
- Witness stand to one side.
- Jury box on the other side.
- Prosecution table and defence table facing the judge.
- Public seats at the back.

Key terms & court language

- **Objection** – a lawyer formally complains about a question or answer.
- **Sustained** – the judge agrees with the objection (the question is not allowed).
- **Overruled** – the judge rejects the objection (the question is allowed).
- **Beyond a reasonable doubt** – a very high level of certainty required to convict.

7.2. France – Tribunal

Correctionnel (Judge-Led)

We'll focus on **tribunal correctionnel**, which judges **délits** (mid-level offences like

serious assaults).

Simple idea of a criminal assault case

- A serious injury from a fight is often a **délit** (e.g. *violences volontaires* causing incapacity for work over a certain number of days).
- Case is heard by the **tribunal correctionnel**.

Main roles & names

- **Judges (3)** –
- *Président* (presiding judge)
- *Assesseurs* (associate judges)
- Collectively: **juges / magistrats du siège** (sitting judges).
- **Public prosecutor** – *procureur de la République*, representing the **ministère public**.
- **Avocat de la défense** – defence lawyer.
- **Prévenu** – the accused defendant.

- **Victime** – victim, often represented by their own lawyer for civil damages.

Number of judges and when it changes

- **Simple cases** – one single judge (*audience à juge unique*).
- **More complex/serious cases** – 3 judges: 1 president + 2 assesses (*audience collégiale*).

For your project, assume **3 judges** to make it visually clear.

Trial flow

- **Before trial:**
- Police & prosecutor prepare the file (*dossier*).
- Summons to appear before tribunal correctionnel.
- **During trial:**
- *Appel de la cause* – case is called, identity of prévenu confirmed.
- Judges question the defendant about the facts and their personal situation.

- Witnesses and victim are heard and questioned (mostly by judges).
- **Procureur** gives *réquisitions* – proposes conviction and sentence.
- **Avocat** pleads the defence (*plaidoirie*).
- Prévenu has the right to the *dernier mot* (last word).
- **After trial:**
- Judges retire to deliberate (*délibéré*).
- Verdict and sentence are then announced in court.

Courtroom layout

Front of room:

- Raised bench with **three judges** in the centre.
- **Procureur** sits at a special table facing the judges.
- **Defence lawyer and defendant** sit at another table.
- Witness stand and victim's place facing the judges.

- Public seating at the back, unless *huis clos* (closed hearing).

Key French legal terms

- **Tribunal correctionnel** – court for délits.
- **Légitime défense** – legitimate self-defence (no offence if conditions are met).
- **Ministère public** – the public prosecution service.
- **Relaxé** – acquitted.
- **Condamné** – convicted.

7.3. Japan – Saiban-in Hybrid Panel

For serious crimes, Japan uses **saiban-in seido**: mixed panels of professional judges + citizen lay judges.

Simple idea of a criminal assault case

- A serious injury may be included in the list of offences tried with **saiban-in** (e.g.

injury resulting in death, or serious bodily harm).

- Case is heard in a **District Court (地方裁判所, chihō saibansho)** with a saiban-in panel.

Main roles & names

- **Professional judges (3) –**
- 裁判官 (saibankan)
- **Lay judges (6) –**
- 裁判員 (saiban-in) – ordinary citizens chosen by lottery.
- **Public prosecutor – 検察官 (kensatsukan)**
- **Defense counsel – 弁護人 (bengonin)**
- **Defendant – 被告人 (hikokunin)**

Number and when it changes

- **Serious saiban-in cases – 3 judges + 6 lay judges.**
- **Less serious / minor cases – may be heard by a single judge without lay judges (speedy / simplified**

procedures).

Trial flow

- **Before trial:**
- Police and prosecutors investigate.
- Pre-trial conferences clarify what is disputed, decide which evidence to use.
- **During trial (saiban-in):**
- Panel (3 judges + 6 lay judges) is formed.
- Opening statements by **kensatsukan** and **bengonin**.
- Examination of the accused, witnesses, and experts – judges and lay judges may ask questions.
- Closing arguments by prosecution and defence.
- Defendant's final statement.
- **After trial:**
- All nine (3 judges + 6 lay judges) deliberate in private.
- They decide:

- Guilty or not guilty.
- If guilty, the **sentence**.
- Decision is announced in court.

Courtroom layout

- Front:
- **Bench** with 3 professional judges + 6 lay judges arranged in a row or rows.
- In front of them:
- Table for **public prosecutor(s)** on one side.
- Table for **defence counsel** and **accused** on the other side.
- Witness stand facing the panel.
- Court clerk, court stenographer, etc.
- Public seating behind.

Key Japanese legal terms

- 裁判員 (saiban-in) – lay judge, citizen participant.
- 検察官 (kensatsukan) – public prosecutor.

- 弁護人 (bengonin) – defence lawyer.
- 被告人 (hikokunin) – accused.

7.4. Saudi Arabia – Sharia-Based Judge Trial

Based on the Law of Criminal Procedure and Public Prosecution descriptions.

Simple idea of a criminal assault case

- A serious physical injury case goes to a **criminal court**, where judges apply Sharia principles (like intent, harm, compensation) and procedural rules.
- There is **no jury**; trials are **bench trials** (judge-only).

Main roles & names

- **Judge / judges** – قاضي (qāḍī) – usually referred to simply as “judge” in English.
- **Public Prosecution** – النيابة العامة (al-niyābah al-‘āmmah) – independent body that investigates crimes and

prosecutes in court.

- **Public prosecutor** – member of the Public Prosecution representing the state.
- **Defence lawyer** – محامٍ (muḥāmī).
- **Defendant** – المتهم (al-muttaḥem) – the accused.
- **Victim** – المجني عليه (al-majni ‘alayh).

Number of judges

- The law requires that trial hearings be attended by the **required number of judges**.
- For many criminal cases, this is a **single judge**, but more serious or appeals may involve a **panel**.

Trial flow

- **Before trial:**
- Police investigate and deliver case to Public Prosecution.
- Public Prosecution investigates further and decides whether to file charges.

- **During trial:**
- Judge opens the hearing, reads charges to defendant.
- Public prosecutor presents evidence and witnesses.
- Defence responds, may present witnesses and arguments.
- Judge actively questions defendant and witnesses.
- Hearings are generally public unless privacy/national security reasons require closed sessions.
- **After trial:**
- Judges deliberate in private.
- Verdict and ruling (punishment and/or compensation) are pronounced.
- In some cases, reconciliation and payment of **blood money (diyya)** can affect outcomes.

Courtroom layout

- Judge's bench at the front.

- Public prosecutor's table facing the judge.
- Defence lawyer and defendant at another table.
- Witness stand in front facing the judge.
- Public seating behind (unless closed hearing).

Key Sharia / legal terms

- **Shari'ah** – body of Islamic law.
- **Diyya (دية)** – “blood money” / financial compensation for harm or death, sometimes used in combination with or instead of other punishments.
- **Bench trial** – trial conducted only by judges, without a jury.

8. Small Fun Facts

- **USA:**
- There are **two types of juries:**
- **Grand jury** (16–23 people) that decides whether there is enough evidence to

charge someone.

- **Petit jury** (6–12 people) that decides guilt at trial.
- **France:**
- In **cour d'assises** (very serious crimes), citizens sit as **jurors together** with professional judges, and they all vote on guilt and sentence—similar in spirit to Japan's mixed panel but older.
- **Japan:**
- The **saiban-in** system only started in **2009**, so Japanese people went for decades with **no jury-type participation at all**, then suddenly ordinary citizens were brought back into serious criminal trials again.
- **Saudi Arabia:**
- The **Public Prosecution** is now an independent authority linked directly to the King, not to a ministry, and it has specialised branches like **Cybercrimes**

Prosecution, Environment Prosecution,
Trafficking in Persons Prosecution, etc.

COURT LANGUAGE & USAGE

UNITED STATES –

Adversarial Jury Trial

1. “Objection!”

What it means:

- A lawyer believes the other lawyer is breaking a rule.

Who can say it:

- Prosecutor
- Defense lawyer
- *(No one else may object – not jury, witnesses, or defendant)*

When to say it:

- At the exact moment the improper question is asked.

Why use it:

- Stops unfair questions
- Protects the witness
- Keeps the trial legally correct

Common types of objections:

- **Relevance**
- Question has nothing to do with the case.
- Used when lawyer brings unrelated info.
- Example: “Where did you go on vacation last year?”
- **Leading question**
- The lawyer is suggesting the answer inside the question.
- Used during direct examination (NOT cross-examination).
- Example: “You saw him hit the guard, didn’t you?”
- **Hearsay**
- Witness is repeating something someone else said outside court.
- Usually not allowed.

- Example: “My friend told me they saw Riley running.”
- **Speculation**
- Witness is asked to guess or assume something they cannot know.
- Example: “Why do you think the guard was angry?”
- **Asked and Answered**
- Opposing lawyer is repeating the same question.
- Used to prevent pressure on the witness.

2. Judge Responses

- **“Sustained”**
- Judge agrees.
- Question cannot be answered.
- **“Overruled”**
- Judge disagrees.
- Witness must answer.

3. How to Speak in a USA Court

- Say “Your Honor” to the judge.
- Stand when speaking.
- Lawyers speak **through the judge**, not directly at each other.
- Witnesses speak only when being questioned.
- Jury members must stay silent until deliberation.

4. When Each Role Can Speak

- **Lawyers:** openings, questioning, objections, closings, when judge allows.
- **Witnesses:** only when asked a question.
- **Defendant:** only when choosing to testify.
- **Jury:** absolutely silent until deliberation.

FRANCE – Inquisitorial

Judge-Led Trial

1. “Monsieur le Président / Madame la Présidente”

Meaning:

- Formal way to address the presiding judge.

Who uses it:

- Prosecutor
- Defense lawyer
- Witness
- Defendant

When to use it:

- When beginning to speak
- When asking permission
- When answering questions

2. “La parole est à...” (“The floor is given to...”)

Meaning:

- The judge is giving someone the right to speak.

Why important:

- Only the judge gives permission to talk.
- No one talks unless the judge gives “la

parole.”

3. “Faits” (“Facts”)

Meaning:

- Judges are reading the official case file.

Why it matters:

- France relies heavily on written dossiers.
- Judges use these facts to guide questioning.

4. How to Speak in a French Court

- Very calm, structured, formal.
- No shouting.
- No dramatic objections like in the USA.
- Judges question first; lawyers ask additional questions afterward.
- Defendant must answer the judges directly.
- Defendant is always given **the last word**.

5. When Each Role Can Speak

- **Judges:** anytime; lead questioning; decide the flow.
- **Prosecutor:** speaks when judges allow; gives *réquisitions* at end.
- **Defense lawyer:** speaks when allowed; gives *plaidoirie* at end.
- **Defendant:** answers judges; speaks last.
- **Witnesses:**
 - First answer judges
 - Then prosecutor
 - Then defense

JAPAN – Hybrid Saiban-in System (Judges + Lay Judges)

1. “裁判長 (saibanchō)”

Meaning:

- “Presiding Judge” – the main judge.

When to say it:

- At the beginning of your sentences
- When asking permission to speak
- When answering the judge

Example phrase:

- “裁判長、質問してもよろしいでしょうか。”

(“Presiding Judge, may I ask a question?”)

2. “意義あり (igi ari)” – Objection (rare)

Meaning:

- “I object / That is improper.”

Who uses it:

- Prosecutor
- Defense lawyer

When to use it:

- When question is inappropriate, irrelevant, or too leading.
- Used FAR less often than in USA.

Judge’s responses: