

**Case-law of the European Court of Human Rights on language assistance in
criminal proceedings
by James Brannan¹**

Article 5 § 2 Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

Article 6 § 3 Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him; ...

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Akbingöl v. Germany (decision), 2004, no. 74235/01

After conviction the applicant was made to pay for the cost of translating his telephone conversations recorded during the investigation (for the prosecutor).

Court: The translation did not concern a matter for which the free assistance of an interpreter was required under Article 6 § 3 (e).

Complaint inadmissible

Amer v. Turkey, 2009, no. 25720/02

The applicant, an Arabic speaker, had no interpreter in police custody.

Court: Even though the applicant understood the foreign language (Turkish) to some extent – enough to be able to express himself – he was not capable of reading texts. So he should have had an interpreter at least to retranslate his statements back to him. The authorities did not make sure that he understood the written statements.

Violation of Article 6 § 1 in conjunction with Article 6 § 3 (e)

Baka v. Romania, 2009, no. 30400/02

Hungarian national complained that interpreting in one court hearing was done by a court clerk, and that not everything said by the participants had been translated – the Government said that the applicant had waived his right to a sworn interpreter. No written translation of judgment.

Court: No unfairness in proceedings; applicant had not requested translation of judgment, which could in any event have been explained orally by lawyer.

No violation of Article 6 § 3(a) or (e)

Baytar v. Turkey, 2014, no. 45440/04

A Kurdish speaker was not assisted by an interpreter when questioned in police custody and argued that the statement taken from her constituted illegally obtained evidence which should therefore have been excluded by the trial court.

Court: An interpreter was particularly important at that stage in the proceedings where any statements made without such assistance were subsequently used in evidence at

¹ Originally drafted for TRAFUT presentation. Any emphasis made or opinions expressed in these summaries are those of the author; for full texts of judgments and decisions (in French and/or English), see <http://www.echr.coe.int/echr/en/hudoc>; the few decisions of the pre-1999 European Commission on Human Rights listed herein are of interest but do not necessarily reflect the Court's current case-law.

trial and as the suspect's waiver of other rights could thus be called into question. The fact that an interpreter was present when she was brought before a judge could not cure the defect in the proceedings, especially as the interpreter in question was unqualified.

Violation of Article 6 § 3 (e) together with 6 § 1

Berisha & Haljiti v. "the former Yugoslav Republic of Macedonia" (decision), 2007, no. 18670/03

In a court hearing the second applicant, mother-tongue Albanian, did not have an interpreter but relied on the first applicant's language assistance, as she spoke neither Macedonian nor Serbian. The Government accepted that the second applicant had not known the language of the court, but claimed that it had been her decision not to have the assistance of an interpreter.

Court: The fact that one of the applicants served as interpreter for the other did not invalidate proceedings, about which they had not complained at the time.

Complaint inadmissible

Bideault v. France (Commission decision), 1986, no. 11261/84

Court of Appeal had refused to hear witnesses who wished to speak in Breton, without checking first whether they could speak French.

Commission: Article 6 § 3 (d) does not guarantee the right of witnesses to speak in a language of their choosing.

No violation of Article 6 § 3 (d) in conjunction with 14

Bocos-Cuesta v. the Netherlands (decision), 2003, no. 54789/00

Complaint that Supreme Court had disregarded a letter in Spanish, which was not translated under the legal aid scheme.

Court: The absence of translation had not breached the applicant's right of appeal.

Complaint inadmissible

Bokhonko v. Georgia, 2020, no. 6739/11

Ukrainian national arrested for drug trafficking in Georgia complained that he had not been provided with adequate interpreting throughout the domestic court proceedings and that he had not been given a written translation of various documents including the charges.

Court: There was no evidence that the interpreting provided (into Russian, but the choice of language was not at issue) had been inadequate and he had not complained at the time. Even if the charges were not translated in writing, he must have understood them because they were challenged by the defence.

No violation of Article 6 §§ 1 and 3 (e)

Brozicek v. Italy, 1989, no. 10964/84

A Czech man living in Germany was prosecuted in Italy and received the judicial notification of proceedings only in Italian – he requested a translation into his mother tongue or a UN language, but this was refused.

Court: Where translation is requested, the burden of proof is on the (judicial) authorities to prove that the defendant sufficiently understands the language of the court and not for the defendant to prove he does not.

Violation of Article 6 § 3 (a)

C v. France (Commission decision), 1992, no. 17276/90

A *gendarme* had been used as interpreter for victim of an offence that the officer himself had uncovered – the accused complained of unfairness (bias).

Inadmissible

Coban v. Spain (decisions), 2003 and 2006, no. 17060/02

Turkish national had been convicted in Spain for drug trafficking and complained, among other things, about the choice of interpreter/translator. He also stated that the prosecution had relied on intercept evidence which had been translated from Turkish in summary form by an “unregistered” translator (part of an Article 8 complaint).

Court: Even a non-official translator is adequate if he has a “sufficient degree of reliability as to knowledge of the language interpreted”; the Spanish Code of Criminal Procedure did not require an official qualification for that task and a summary translation was acceptable. In fact only the conversations in Spanish had been relied on by the court, not the translated evidence.

Application inadmissible

Čonka v. Belgium, 2002, no. 51564/99

Group of Roma from Slovakia arrested pending deportation.

Court: A variety of factors contributed to a violation of the right to liberty, including the fact that only one interpreter was available to assist the large number of Roma families in the police station and he did not stay with them at the closed centre; however the level of information was sufficient for the purposes of 5 § 2.

No violation of 5 § 2 but of 5 § 1

Čuprakovs v. Latvia (decision), 2010, no. 8543/04

Various complaints about translation into Russian: detention orders and indictment had been translated to the applicant orally by the public prosecutor in charge of his case and not by a certified translator; no translation of Supreme Court decision.

Court: No appearance of violation.

Complaint inadmissible

Cuscani v. the United Kingdom, 2002, no. 32771/96

Italian national convicted of fraud. Judge had instructed that an interpreter be found for the sentencing hearing but none was present. Instead of adjourning the hearing the judge was prepared to rely on the applicant’s brother to interpret if need be.

Court: Although aware of the applicant’s difficulty in following the proceedings, the judge was persuaded by the barrister, without consulting the applicant, that it would be possible to make do with the “untested language skills” of the applicant’s brother in a hearing that led to a four-year prison sentence and a 10-year disqualification as company director; no award of just satisfaction, however, as Court could not speculate as to what the sentence would have been if an interpreter had been present.

Violation of Article 6 § 1 in conjunction with 6 § 3 (e)

D. v. Belgium (Commission decision), 1988, no. 12831/87

French national received summons in Dutch with no translation.

Commission: Convention does not guarantee translation of all documents in a case. He could have obtained a translation by other means.

Inadmissible

Delcourt v. Belgium (Commission decision), 1967, no. 2689/65

The arrest warrant for a French-speaking person was in Dutch.

Commission: Requirement of 5 § 2 was complied with on the basis that the subsequent interview in which the reasons became apparent was conducted in French.

Complaint inadmissible

Diallo v. Sweden (decision), 2010, no. 13205/07

French national sentenced to ten years' imprisonment for drugs offence without having had the assistance of an authorised interpreter during her initial questioning by a customs officer, who subsequently gave evidence against her; and that evidence allegedly led to increase in prison sentence. Under Swedish law no registered interpreter was necessary if the officer could speak the foreign language.

Court: No evidence of shortcomings in the language assistance provided; and "the Appeal Court did exercise a sufficient degree of control of the adequacy of the interpretation [*sic*]". However, the Court confirmed here the right to an interpreter at the earliest investigative stage of the proceedings, drawing a parallel with the right to a lawyer in police interviews, as established in *Salduz v Turkey*.

Inadmissible

Elawa v. Turkey, 2011, no. 36772/02

Applicant complained that the interpreter provided by the police had not been impartial and that the interpreter who assisted him in the subsequent trial had not been adequately qualified.

Court: Complaint about interpreter not examined separately.

Violation of Article 6 § 3 (c) for lack of lawyer.

Erdem v Germany (decision), 1999, no. 38321/97

Applicant complained about the refusal by the courts to order the translation into Turkish of the investigation files and a 900-page judgment which, according to him, was "the accusation against him" in the framework of the appeal proceedings.

Court: No general right of the accused to have the court files translated, since Article 6 § 3 protects rights of the defence in general and not those of the accused considered separately. "It therefore suffices that the files are in a language that the accused or his lawyer understands".

Complaint inadmissible

Fedele v. Germany (Commission decision), 1987, no. 11311/84

Applicant made to pay for interpreting costs after he failed to appear for trial; traffic offence.

Court: Only a person who attends the trial - and who, being present, "cannot understand or speak the language used in court" - can be "assisted" by an interpreter, so Article 6 § 3 (e) was not applicable.

Inadmissible

Galliani v. Romania, 2008, no. 69273/01

Applicant was arrested with a view to deportation and had no interpreter to explain reasons for arrest.

Court: The applicant could engage in dialogue with police officers and had no difficulty in understanding what was said to her and expected from her.

No violation of Article 5 § 2

Güngör v. Germany (decision), 2001, no. 31540/96

Turkish national convicted of drug dealing. He complained that the German courts had not assigned him an interpreter for communication with counsel.

Court: German courts had considered before various hearings whether he needed an interpreter: in one, his lawyer said he did not need one, in another it was mentioned that he spoke German to his wife. The charges were not particularly complex such as to require more in-depth knowledge of German; his knowledge was thus sufficient.

Inadmissible

Hacioglu v. Romania, 2011, no. 2573/03

Complaint concerning the alleged lack of assistance of an interpreter and failure to translate decisions.

Court: An interpreter had actually been provided throughout the proceedings. Applicant had not requested translations of decisions and in any event his counsel must have explained them, in particular as he appealed against them.

No violation of Article 6 § 3 (e)

Hermi v. Italy (Chamber), 2005, and (Grand Chamber), 2006, no. 18114/02

The applicant (a defendant of Tunisian origin in a drugs case) had not received a written translation of a document in the criminal proceedings, i.e. the notice of an appeal court hearing, allegedly entailing his non-appearance.

Court: The Chamber found a violation of Article 6 for non-translation of notice, which it described as “a legal document of some complexity”, noting that the applicant’s knowledge of Italian had not been established. The Grand Chamber, however, pointed out that there was no automatic right to written translation (citing *Husain*) and in any event, Mr Hermi could be considered to understand Italian, especially as he had been in the country for 10 years. Reiterated importance of translating indictment (under 6 § 3 (a)).

No violation of Article 6

H.K. v. Belgium (decision), 2010, no. 22738/08

Applicant (Lebanese national, defendant in proceedings conducted in Dutch) complained about the poor quality of an Armenian translation of the public prosecutor’s submissions against him; failure to translate police investigation files.

Court: Article 6 § 3 (e) did not require translation of all documents. According to an expert’s report, the applicant had understood the “gist” of the submissions, even though the translation was somewhat inaccurate. Overall, he had sufficient information in a language he understood in order to conduct his defence. Related Article 14 (discrimination) complaint not sufficiently substantiated. Article 13 complaint about lack of effective remedy also rejected.

Inadmissible

Horvath v. Belgium (decision), 2012, no. 6224/07

Hungarian national complained under 6 § 3 (a) about the lack of a written translation of a summons indicating the charges.

Court: This had not hindered the applicant’s defence; no request had been made during the proceedings.

Inadmissible

Hovanesian v. Bulgaria, 2010, no. 31814/03

Applicant had been charged for interpretation costs.

Court: Inconsistency in case-law of Bulgarian Supreme Court; applicant should not have been charged.

Violation of Article 6 § 3 (e)

Husain v. Italy (decision), 2005, no. 18913/03

The applicant, an Arabic speaker, was tried *in absentia* as one of the organisers of the terrorist attack in 1985 on the Italian cruise liner *Achille Lauro*. A few years later he was arrested and extradited to Italy where a committal warrant was read to him with an interpreter at a police station. He complained under Article 6 § 3 (a) and (e) that there had been no written translation of that warrant; and that there had been no control over the quality of the interpretation.

Court: The interpreter had been able to translate the document orally (and applicant was assisted by counsel). The Court stated for the first time: “it should be noted that the text of the relevant provisions refers to an ‘interpreter’, not a ‘translator’. This suggests that oral linguistic assistance may satisfy the requirements of the Convention”. As regards quality, the fact that he had not complained at the time “may have led the authorities to believe that he had understood the content of the document concerned”.

Inadmissible

Işyar v. Bulgaria, 2008, no. 391/03

Applicant had been charged for interpretation costs.

Court: Inconsistency in case-law of Bulgarian Supreme Court; applicant should not have been charged.

Violation of Article 6 § 3 (e)

Jurado Rodriguez v. Luxembourg (Commission decision), 1996, no. 24859/94

Applicant complained that in criminal proceedings against him not all the documents had been translated.

Commission: No right to have all documents translated. No prejudice to his defence.

Complaint inadmissible

K v. France (Commission decision), 1983, no. 10210/82

Defendant in military court wanted to conduct his defence in Breton but he was found to have no difficulty understanding or speaking French.

Commission: Article 6 § 3 (e) applies only where the accused cannot understand or speak the language used in court.

Inadmissible

Kajolli v Italy (decision), 2008, no. 17494/07

Albanian defendant complained that court documents had not been translated into his language; and no interpreter had been provided.

Court: He had been entitled to translation of documents, there being no evidence that he spoke Italian and such translation having been requested by lawyer, but in the particular circumstances of the case there was no issue because he had absconded and notices could not be served on him personally, only on his lawyer (thus distinguishing the case from *Brozicek*). Applicant had not taken part in proceedings, so had not needed an interpreter.

Inadmissible

Kamasinski v. Austria, 1989, no. 9783/82

Applicant was a US citizen arrested on suspicion of fraud in 1980, ultimately convicted; did not speak German. Complaints: system of court-certified interpreters did not provide effective assistance; no written translation of indictment or pre-trial witness statements; the interpretation during the trial was insufficient, and in particular neither the written depositions nor certain oral testimony nor the questions put to witnesses were interpreted into English; save for its operative part the judgment was neither interpreted on the spot nor translated thereafter. Some of the interpreting had been done by a prison officer, and even a prisoner had interpreted for a police interview in the absence of a sworn translator.

Court: As regards choice of interpreter, it was “not called upon to adjudicate on the Austrian system of registered interpreters as such, but solely on the issue whether the interpretation assistance ... satisfied the requirements of Article 6”. As regards quality, it was not substantiated on the evidence taken as a whole that applicant was unable because of deficient interpretation either to understand the evidence being given against him or to have witnesses examined on his behalf.

The Court established the principle that Article 6 covered written material, not just oral statements, but set limitations: it does not require translation of all documents, only those necessary for the defendant to have knowledge of the case and defend himself (in particular the indictment). A written translation of the indictment is unnecessary if sufficient oral information as to its content is given to the accused (at admissibility stage, some dissenting members of Commission had disagreed with this). Translation of the judgment itself: not necessary and oral explanations, with assistance of a lawyer, sufficient for an appeal. Principle that authorities’ obligation may also extend to a degree of subsequent control over the adequacy of the interpretation provided, but requirement satisfied in present case.

No violation in respect of Article 6 complaints concerning language assistance

Katritsch v. France, 2010, no. 22575/08

Russian national convicted in France of theft, illegal immigration and forgery. He had an interpreter in police custody, before the investigating judge, and at an initial hearing; but at a subsequent Court of Appeal hearing confirming his conviction, some years later, no interpreter was present.

Court: There was no evidence he had requested an interpreter and as his last request went back 5 years, during which time he had lived and worked in France, it was not certain that he still needed one. The charges were not particularly complex such as to require more in-depth knowledge of French.

No violation of Article 6 § 3(e)

K.C.M. v. the Netherlands (Commission decision), 1995, no. 21034/92

The applicant complained under Article 6 § 3 that he was not provided with a written translation of a summons and a judgment; there was no interpreter when the judgment was delivered.

Commission: No automatic right to written translation; an interpreter had been present throughout the proceedings.

Inadmissible

Knox v. Italy, 2019, no. 76577/13

Amanda Knox, a US citizen implicated in a well-known murder case (her application concerned only a charge of false accusation), complained she had not been assisted by an independent and professional interpreter during a police interview.

Court: The police interpreter (in fact an officer) had played a role that went beyond interpreting, seeing herself as a mediator and taking on a motherly attitude. The authorities had not assessed the interpreter's conduct or considered whether that conduct had had an impact on the outcome of the criminal proceedings. No mention in the relevant police record of the exchanges in question. That initial failure had thus had repercussions for other rights and had compromised the fairness of the proceedings as a whole.

Violation of Article 6 §§ 1 and 3 (e)

Kuvikas v. Lithuania, 2006, no. 21837/02

Lithuanian applicant (a border guard) complained that his conviction was based on written complaints by foreigners that had not been translated into national language.

Court: There was no evidence that the applicant's conviction was based on any document in a foreign language which had not been translated into Lithuanian.

Complaint inadmissible, violation of Article 6 § 1 (length of proceedings)

Ladent v. Poland, 2008, no. 11036/03

French national, upon his arrest was informed about the reasons for it and the charges against him in Polish; he was released after 10 days in custody.

Court: He was not informed promptly and in a language which he understood of the reasons for his arrest and the charges against him until his release.

Violation of Article 5 § 2

Lagerblom v. Sweden, 2003, no. 26891/95

Finnish applicant complained that a Finnish-speaking lawyer was not appointed to replace the Swedish lawyer assigned to him. Case more about choice of lawyer.

Court: He was able to speak and understand "street Swedish" and so was able to communicate to some extent directly with assigned lawyer. In general, language assistance was adequate.

No violation of Article 6 § 3

Longa Yonkeu v. Latvia, 2011, no. 57229/09

French national detained pending deportation complained under Article 5 § 2 about detention orders.

Court: An interpreter had been present at the relevant hearing.

Complaint inadmissible (but violation of 5 § 1)

Lowry v. Portugal (decision), 1999, no. 42296/98

Applicant complained that he had not been informed in English of the reasons for his detention, relying on 5 § 2 and 6 § 3 (a).

Inadmissible

Luedicke, Belkacem & Koç v. Germany, 1978, no. 6210/73

Germany had tried to obtain the reimbursement of interpreting costs from the applicants after their conviction (as then provided for by domestic law).

Court: Article 6 guaranteed free assistance and "it does not follow that the accused person may be required to pay the interpretation costs once he has been convicted".

The term free (*gratuitement*) could be interpreted as a “once and for all exemption” from paying costs. The Court rejected argument that 6 § 3 (e) did not extend to pre-trial proceedings.

Violation of Article 6 § 3 (e)

Luncașu v. Republic of Moldova (decision), 2019, no. 38202/10

Moldovan national complained that documents in domestic proceedings were not translated into his language, Russian (he could only read cyrillic).

Court: He had not had any problem communicating in Romanian (orally) during the proceedings.

Inadmissible

Mann v the UK and Portugal (decision), 2011, no. 360/10

Football fan convicted in Portugal but allowed to leave country pending enforcement of sentence, then arrested in UK under an EAW. Challenged extradition on grounds that he had been denied a fair trial, compounded by poor quality of interpreting.

Court: The fairness of the proceedings in Portugal was a “matter of dispute” (UK judges had reached different conclusions). No evidence of a flagrant denial of justice or a risk of one if extradited.

Inadmissible

Mariani v. France, 2005, no. 43640/98 (and decision of 2003)

An Italian national charged with armed robbery in France was imprisoned in Italy for other offences. He complained that he had not received a translation of the accusation, namely the French “*arrêt de renvoi*”. He was later tried *in absentia* in France.

Court: An Italian translation of the indictment had duly been provided to him in prison. *Complaint inadmissible (decision)*

He was entitled to be present at his trial (therefore with an interpreter).

Violation of Article 6 § 3 (c), (d), (e) with 6 § 1

Mironov v. Russia (decision), 2006, no. 22625/02

The applicant complained that he had not been provided with an interpreter either during the preliminary investigation, or at the first-instance and appeal hearings.

Court: The applicant did have an interpreter most of the time; where lacking, one appeal hearing was annulled and another was compliant with the rules.

Complaint inadmissible

Montes and Lopez v. the United Kingdom (Commission decision), 1992, no. 18077/91

Colombian nationals imprisoned in Scotland complained that judge’s charge to jury, a report and a trial transcript were not translated free of charge under the legal aid scheme.

Commission: Lack of translation did not prevent them lodging an appeal, with the help of counsel, and interpretation had been provided during the proceedings. A transcript was not produced unless ordered by the appeal court.

Complaint inadmissible

M.S. v. Finland (decision), 2001, no. 46601/99

Applicant was initially assisted by a Finnish interpreter who interpreted between Finnish and English and who was subsequently replaced in a later hearing by an interpreter of the applicant’s own choosing who interpreted into his native language,

Mandinka. He complained under Article 6 § 3(e) that he was denied a right to have the free assistance of a “competent interpreter” as the court did not take any active steps of its own to ensure that the initial interpretation into English was adequate.

Inadmissible for non-exhaustion of domestic remedies

Oldham v. the United Kingdom (decision), 2000, no. 36273/97

The applicant complained under 5 § 4 that he did not receive a fair hearing before the panel of the Parole Board because the sign-language interpreter, called for a key witness, was not properly qualified.

Court: No evidence that the interpreting was inadequate.

Complaint inadmissible

Osmani and Others v. “the Former Yugoslav Republic of Macedonia” (decision), 2000, no. 50841/99

The first applicant complained about a lack of interpretation into Albanian.

Court: An interpreter must be competent in order for the applicant’s right under Article 6 § 3 (e) to be practical and effective. The applicant had the benefit of free interpretation by four qualified registered interpreters of Albanian ethnic origin who worked as official interpreters for the court, but had complained about their interpretation and started speaking fluent Macedonian, which induced the court to conclude that he did not need any interpretation.

Inadmissible

Özkan v. Turkey (decision), 2006, no. 12822/02

Kurdish applicant complained that he had no interpreter during some court hearings and the interpreter provided in others lacked impartiality as he was a police officer.

Court: The applicant had apparently waived his right to a new interpreter when asked; he could have been expected to request a change of interpreter if he had really doubted his impartiality, as his lawyer had claimed. In one hearing he decided to submit his arguments without an interpreter and the judge verified that the applicant had sufficient language skills to participate effectively in the criminal proceedings.

Complaint under Article 6 § 3 (e) inadmissible

Öztürk v. Germany, 1984, no. 8544/79

Turkish national convicted of traffic offence; charged for costs of interpretation at an administrative hearing.

Court: Article 6 was applicable to such situations and he should not have been charged for costs.

Violation of Article 6 § 3 (e)

Pala v. France (decision), 2007, no. 33387/04

Applicant (Turkish businessman in France) had no translation of a registered letter served by a bailiff notifying him of a judgment given *in absentia*.

Court: Convention does not guarantee translation of all documents in a case. He could have obtained a translation by other means.

Inadmissible

Panasenko v. Portugal, 2008, 10418/03

The applicant, a Ukrainian national (on trial for murder of a taxi driver), complained that his interpreter worked into Russian, not Ukrainian, and that he was incompetent.

During the trial he tried to express his complaints through the interpreter but the presiding judge told them both not to engage in a discussion.

The Court: It found from a recording supplied by the applicant that the interpreting was not perfect but he had “failed to indicate how the interpreting problems had affected the fairness of the proceedings as a whole. The material in the case file showed that he was able to understand the oral proceedings in essence and present his version of the facts”. There had been a violation, however, because of a lack of legal assistance on appeal to Supreme Court: he had missed the deadline partly because the time-limit ran from service of the judgment in Portuguese, not that of the translation.

No violation of Article 6 § 3 (e) but of Article 6 §§ 1 and 3 (c)

Petuhovs v. Germany (decision), 2010, no. 60705/08

Complaint about failure to provide translation of indictment (6 § 3 (a)).

Court: With oral translation of arrest warrant and meetings with counsel together with an interpreter, a written translation of the indictment was unnecessary. Applicant had not explained how his defence rights had been affected by the lack of a translation.

Inadmissible

Plotnicova v. Moldova, 2012, no. 38623/05

Applicant complained under 6 § 3 about failure to translate documents: information received by the prosecutor from France (in response to a letter of request) that was potentially evidence in her favour.

Court: The documents should have been translated for the benefit of the defence.

Violation of Article 6 § 3

Příplata v. Romania (decision), 2014, no. 42941/05

Complaint that the interpretation services were inadequate and that the most important documents, such as the indictment, the judgments of the domestic courts, and the appeals lodged by the prosecutors, were not translated into Czech. The Government contended that under the Romanian Code of Criminal Procedure a defendant was not entitled to have the documents of the file translated in writing.

Court: The applicant had been provided with interpreters at all hearings and had been assisted by Romanian lawyers; the absence of written translation did not render the proceedings unfair, as he was sufficiently informed of the charges and evidence against him.

Inadmissible

Protopapa v. Turkey, 2009, no. 16084/90 (and *Strati v. Turkey*)

Cypriot national tried for participation in anti-Turkish demonstration. Complained of poor translation of proceedings.

Court: Although the Court had “no information on which to assess the quality of the interpretation provided”, it was apparent from the applicant’s own version of the events that she understood the charges against her and the statements made by the witnesses; it did not appear that she challenged the quality of the interpretation before the trial judge, requested the replacement of the interpreter or asked for clarification concerning the nature and cause of the accusation. She did not request a translation of written documents and there was nothing to suggest that such a request would have been rejected.

No violation of Article 6

P.S.V. v. Finland (Commission decision), 1995, no. 23378/94

Complaint that the translation of the evidence given by the applicant's witness was imperfect and that this should be taken into account when evaluating the fairness of the proceedings.

Commission: 6 § 3 (e) does not concern the interpretation of witness evidence.

Inadmissible

Puelinckx v. Belgium (decision), 2001, no. 49104/99

Complaint under 6 § 3 (e) that costs order (after conviction) did not mention the exclusion of translation costs for prosecution case file (as apparently required by Belgian law).

Court: As the applicant did not require language assistance himself, there was no issue under 6 § 3 (e).

Complaint inadmissible

Pugžlys v. Poland, 2016, no. 446/10

Lithuanian complained he was not allowed assistance of an interpreter for his meetings with the lawyer, outside the hearings and during them, and for consultation of the file although all documents were only in Polish.

Court: An interpreter (Lithuanian but once Russian with his consent) was present in those situations except when he saw his lawyer in the remand centre (but no evidence of a request).

Complaint inadmissible

Rahimi v. Greece, 2011, no. 8687/08

Asylum seeker (a minor) was to be deported from Greece and complained under 5 § 4 that he was unable to "take proceedings to challenge the lawfulness of his arrest and detention". He referred to language difficulties.

Court: Language issue taken into account in finding a violation of 5 § 4 – but no need to consider the matter separately under 5 § 2.

Şaman v. Turkey, 2011, no. 35292/05

The applicant (a Kurdish speaker) complained that she could not understand Turkish well enough and that her defence rights had been violated during her police custody as she was deprived of the assistance of an interpreter (and of a lawyer).

Court: Taking into account the importance of the investigation stage, it was not established that the applicant had a sufficient understanding of the questions she was being asked or that she was able to express herself adequately in Turkish, and certainly not to a level which would justify reliance on her statements as evidence against her. The accusations were sufficiently complex as to require a detailed knowledge of the language: she was charged with "particularly grave criminal offences". The absence of an interpreter during her police custody irretrievably affected her defence rights. She could not have validly waived the right to legal assistance without an interpreter being present.

Violation of Article 6 § 3 (e) (and of 6 § 3 (c))

Sandel v. "the former Yugoslav Republic of Macedonia", 2010, no. 21790/03

Complaint about failure to provide Hebrew interpreter after a certain point in proceedings. The case appeared to have been delayed mainly because there were no

suitably authorised interpreters and it was prohibited to recruit a court interpreter from a foreign country.

Court: The authorities had wasted time (two and a half years) trying to find a Hebrew interpreter, when an interpreter in another language would have been sufficient at that stage of the proceedings. Written translation of indictment not necessary.

No violation of Article 6 § 3 (e) but of 6 § 1 (length of proceedings)

Sardinas Albo v. Italy (decision), 2004, no. 56271/00

Complaint about the absence of an interpreter at a court hearing.

Court: The applicant signed a document in which he waived his right to an interpreter. He also accepted a plea bargain and there was no evidence that this had been imposed in breach of his defence rights.

Complaint inadmissible

Satir v. Austria (Commission decision), 1995, no. 22542/93

Complaints about incorrect translation of telephone conversations, no translation of court decisions and a co-accused acted as an interpreter.

Commission: Applicant's language skill was sufficient.

Inadmissible

S.E.K. v. Switzerland (Commission decision), 1994, no. 18959/91

Applicant had been questioned by the police in the absence of an interpreter – the fact that he had an interpreter at trial stage proved he need one.

Commission: As the domestic court had found, his language skill was sufficient.

Inadmissible

Shannon v. Latvia, 2009, no. 32214/03

The applicant, a US citizen, complained about delays in his appeal against detention orders caused by translation problems.

Court: The delays were chiefly caused by a court's erroneous decision to return the applicant's appeal to him for translation, even though the domestic legislation provided that the translation was to be ensured by that court, which had failed to provide the applicant with a translation of its decision in a timely manner.

Violation of Article 5 § 4 (delay)

Tabaï v. France (decision), 2004, no. 73805/01

Indictment had not been translated into Arabic, the applicant's mother tongue.

Court: His knowledge of French was sufficient; he came from a French-speaking country (Tunisia). There was no evidence he had requested an interpreter. The Court of Cassation found that the complaint about translation had not previously been raised before the Assize Court.

Complaint inadmissible

Tabesh v. Greece, 2009, no. 8256/07

Afghan national detained pending deportation; complained under Article 5 § 2 that he had been notified of reasons for arrest in a language he did not understand (Arabic).

Court: Complaint not raised at the time.

Complaint inadmissible (non-exhaustion of domestic remedies)

Tiemann v. France and Germany (decision), 2000, no. 47457/99

German national in French child-custody proceedings submitted that he had not had a reasonable opportunity to put his case to the courts and that he had been at a disadvantage in relation to his opponent; unusually the Court heard a complaint about lack/incompetence of interpreter in civil proceedings (civil head of Article 6).

Court: The applicant, who was assisted by a German-speaking French lawyer, did have an adequate opportunity to submit his arguments.

Inadmissible

Twalib v. Greece (Commission decision) 1997, no. 24294/94

Applicant complained about lack or quality of interpreters (they had included a police officer, a lawyer and a court clerk) in criminal proceedings.

Commission: Case records showed that he had received interpreting assistance.

No violation of Article 6 § 3 (e) or 5 § 2

Uçak v. the United Kingdom (decision), 2002, no. 44234/98

Mr Uçak complained that Ms O., a Turkish interpreter in Scotland, did not speak his language (Kurdish) and was prejudiced against him. She was not appointed independently of the police and the prosecution. As he associated the interpreter with the police, he claimed that this intimidated him and made him unable to talk freely with his solicitor. The interpreter was also listed as a witness by the prosecution.

Court: No evidence of unfairness – the applicant had not complained at the time and some of his allegations were clearly unfounded. There is no formal requirement that an interpreter be independent of the police or other authorities, but the assistance provided must be “effective” and “not of such a nature as to impinge on the fairness of the proceedings”.

Inadmissible

Vakili Rad v. France (Commission decision), 1997, no. 31222/96

Applicant had been provided with a Persian translation of indictment but complained about non-translation of other documents.

Commission: Interpreters had also been provided; language assistance sufficient.

Inadmissible

Vikoulov and Others v. Latvia (decision), 2006, no. 16870/03

Complaint under 5 § 2 including about the lack of a written translation of reasons for detention.

Court: Oral information in applicants’ mother tongue was sufficient.

Complaint inadmissible

Vizgirda v. Slovenia, 2018, no. 59868/08

The applicant complained that he was not promptly informed, in a language he could understand, of the accusation against him, and that interpretation and translation into Russian, instead of Lithuanian, prevented him from participating effectively in the criminal proceedings. He claimed that he was only able to communicate orally in basic Russian and that he was not informed of his right under domestic law to use his mother tongue.

Court: The domestic authorities had never verified that the applicant’s Russian was good enough to conduct his defence effectively in that language. They could not assume such knowledge merely on the ground that Russian was widely spoken in Lithuania. The applicant had not complained at the time because he had never been

informed of his right and he had been vulnerable as a foreigner facing criminal proceedings; his lawyer's failure to raise the issue did not relieve the court of its responsibility. Overall, the language assistance had not allowed him to actively participate in his trial, which had therefore been unfair.

Violation of Article 6 § 1 with § 3 (a) and (e)

Wang v. France, 2022, no. 83700/17

Chinese national summoned to an "audition libre" (voluntary police interview) without a lawyer or interpreter and subsequently charged. EU Directives had not yet been fully transposed into French law. French court said she had not needed an interpreter.

Court: Case-law relevant to police custody applied here too; absence of interpreter was a key factor in rendering the subsequent proceedings unfair.

Violation of Article 6 §§ 1 and 3

X v. Austria (Commission decision), 1975, no. 6185/73

An Italian citizen was extradited and remanded in custody in Vienna; he could not speak German. He was represented by a local lawyer of his choosing. He asked the court to be given the free assistance of an interpreter for communication with his counsel, but request was rejected. Non-translation of documents.

Commission: He had chosen counsel who did not speak his language and had to be held responsible for any consecutive difficulty in the preparation of the defence. Article 6 § 3 (e) does not cover the relations between the accused and his defence counsel (the Court's position appears to have evolved on this point). No right to have all documents translated.

Inadmissible

X v Germany (Commission decision), 1983, no. 10221/82

Turkish citizen sought free assistance of interpreter for preparation of his defence.

Commission: Only communication with a legal-aid lawyer could entail reimbursement of interpreter's costs; costs were not covered here as accused did not have free legal assistance.

Inadmissible

Yardimci v. Turkey (decision), 2021, no. 34176/11

Kurdish speaker claimed not to understand Turkish and complained that no interpreter had been provided in the pre-trial proceedings (she had one at trial).

Court: Insufficient evidence that she did not understand Turkish; assessment of need had been carried out by domestic courts, including by summoning witnesses.

Inadmissible