

**Case-law of the European Court of Human Rights on language assistance in  
criminal proceedings  
TRAFUT presentation by James Brannan<sup>1</sup>**

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.

(1) When does language assistance have to be provided?

*Ladent v. Poland*, 2008 (Article 5 § 2)

*Amer v. Turkey*, 2009

*Diallo v Sweden* (decision), 2010

*Şaman v. Turkey*, 2011

*Brozicek v. Italy*, 1989

*Katrtsch v. France*, 2010

*Hermi v. Italy* [Chamber + GC], 2006

*Güngör v. Germany* (decision), 2001

(2) Is the translation of documents also an obligation?

*Kamasinski v. Austria*, 1989

*Husain v. Italy* (decision), 2005

*Baka v. Romania*, 2009

(3) Should language assistance be provided free of charge?

*Luedicke, Belkacem & Koç v. Germany*, 1978

*Işyar v. Bulgaria*, 2008

*Akbingöl v. Germany* (decision), 2004

(4) Is the choice of interpreter/translator important?

*Coban v. Spain* (decisions), 2003 and 2006

*Özkan v. Turkey* (decision), 2006

*Cuscani v. the United Kingdom*, 2002

*Berisha & Haljiti v. FYROM* (decision), 2007

*Uçak v. the United Kingdom* (decision), 2002

(5) Quality assurance?

*Khatchadourian v. Belgium* (decision), 2010

*Panasenko v. Portugal*, 2008

*Protopapa v Turkey*, 2009

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<sup>1</sup> for full texts of judgments/decisions (in French and/or English), see the Court's case-law database <http://www.echr.coe.int/echr/en/hudoc> (and summaries to be posted on line after seminar).