



Improving Police and Legal Interpreting

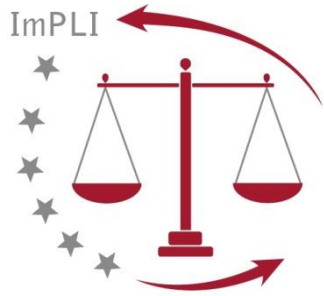
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Police Interpreting and Criminal Proceedings

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The Right to Interpreting in Criminal Proceedings

Part I

Main legal sources of the right to interpreting during police investigations in the ImPLI Project Countries

Part II

Same or different interpreter at different stages and for different parties involved in criminal proceedings and interpreters as witnesses



The Right to Interpreting in Criminal Proceedings

CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS COUNCIL OF EUROPE

Article 5 – Right to liberty and security

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.



The Right to Interpreting in Criminal Proceedings

CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS COUNCIL OF EUROPE

Article 6 – Right to a fair trial

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;



The Right to Interpreting during Investigations (Pre-Trial)

MAIN LEGAL SOURCES

- **Belgium/Flanders:** Language Law of 1935, art. 30; Code of Judicial Procedure (art. 47, 57, 70, 184, 221, 407)
- **Czech Republic:** Code of Criminal Procedure, sec. 2
- **France:** Code of Criminal Procedure, art. 19; Code on the Entry and Stay of Aliens art. L111-8



The Right to Interpreting during Investigations (Pre-Trial)

MAIN LEGAL SOURCES

- **Germany:** Basic Law (*Grundgesetz GG*), art. 3; Code of Criminal Procedure sec. 259, Federal Constitutional Court Ruling of 27.08.2003
- **Italy:** Italian Constitution, art. 111 ; Code of Criminal Procedure, art.143-147 and 61
- **Scotland:** (1) Common Law (*H.M.A v. Olsson*, 1941)
(2) Statute - Scotland Act 1998, sec. 57;
Human Rights Act 1998, sec. 3 and 6



The Right to Interpreting during Investigations (Pre-Trial)



FOR PERSONS UNDER
INVESTIGATION

Explicitly Provided

(Belgium/Flanders, Czech Republic, France, Germany,
Italy and Scotland)



The Right to Interpreting during Investigations (Pre-Trial)

FOR PERSONS REPORTING A CRIME



Explicitly Provided

(Belgium/Flanders, Czech Republic,
France, Scotland)



Implicitly Derived

(Italy)

Limited

(Germany)

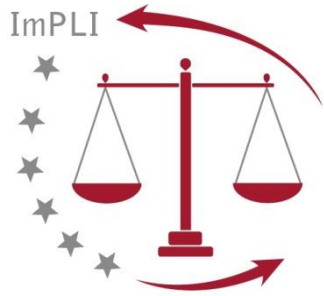


Same or Different Interpreter at Different Stages and for Different Parties?

- **Same Interpreter:** France, Germany, Italy, Czech Republic (Freelance Interpreters), Belgium/Flanders
- **Different Interpreter:** Scotland, Czech Republic (In-House Interpreters)

BUT

Different views in Italy and Belgium/Flanders

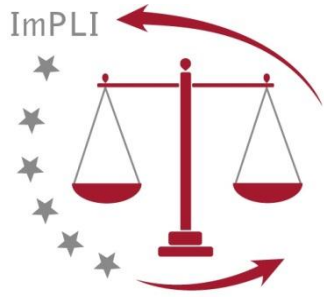


Interpreters as Witnesses and/or Experts

In all ImPLI Countries **except Belgium** interpreters can be called as **witnesses in court** when their interpreting in pre-trial is challenged

and as **experts in court** to assess a colleague's performance

In Scotland also as **witnesses on the case**



The right to an interpreter and interpreters' rights

Suggestions:

- Asymmetries in the right to interpreting should be avoided or redressed
- No restrictions for qualified interpreters on the grounds of “bias” or “impartiality”