

Submission Template

**The right to interpretation and translation and the right to information in
criminal proceedings in the EU**

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QUESTIONS

As envisaged in the section on Research Methodology, please note that some questions require consultation with organisations and/or practitioners working in relevant fields covered by the research to cross-check findings from the desk research with respect to the way in which the examined rights are applied in practice (such as judges, lawyers, interpreters and translators or civil society organisations active in the field of legal assistance in criminal proceedings).

SECTION A: The right to interpretation and translation in criminal proceedings¹

1.	RIGHT TO INTERPRETATION ²	Brief Description
1.1		<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) Who has the responsibility for determining the need of interpretation at each stage of the proceedings?</p> <p>b) How it works in practice for the various stages of the proceedings to ascertain whether suspected or accused persons speak and understand the language of the proceedings?</p> <p>c) Who bears the cost of interpretation at each stage?</p> <p>d) What is the time frame (deadline) for providing information at each stage of the proceedings?</p> <p>.Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>
	<ul style="list-style-type: none"> • police questioning; 	<p>a) Suspects have the right to use their own language (the right to interpretation and translation by a</p>

¹ Directives 2010/64/EU and 2012/13/EU have been implemented by amending the Criminal Procedure Act. The amendments have been published in the Official Gazette of the Republic of Slovenia on 5 Dec 2014. The amendments (Act Amending the Criminal Procedure Act - *Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku*) entered into force 15 days after publication (21 Dec 2014) and began to apply three months later (21 March 2015). The implementation of the Directives affected the following provisions of the CPA: Art. 4 (5) CPA, Art. 8 CPA, Art. 74 (2,3,4) CPA, Art. 148 (4) CPA, Art. 157 (6) CPA, Art. 157 (8) CPA and Art. 371 (1) /3 CPA. When referring to these articles, the report refers to post-implementation text of the CPA.

² See in particular Articles 2 and 4 and related recitals of Directive 2010/64/EU.

<p>1.1. 1</p>	<p>court interpreter) during all investigative police actions (Article 8(1) of the Criminal Procedure Act (CPA) (<i>Zakon o kazenskem postopku, ZKP</i>)³). The responsibility to inform lies on the police officer conducting these actions, e.g. the police must inform all suspects of this right before conducting police questioning (Article 148(4) CPA), when depriving a person of liberty (Article 4(5) CPA), etc. If a suspect decides to exercise this right the police have no ground to deny it.</p> <p>Even if a person waives this right, the responsibility for determining the need of interpretation still lies on the police officer who has contact with the suspect – meaning the police officer may find that a court interpreter is necessary, although the suspect waived this right.⁴ This duty is crucial especially when a person is being deprived of liberty, Article 4(5) CPA stipulates that the person must immediately receive oral (and without undue delay also written) information on his procedural rights (including the right to an interpreter or translator) in his native language or in a language that he understands.</p> <p>Judges report that in the past while reading the police file they sometimes could not be sure who translated the conversation between the suspect and the police officer. They suspect that in some cases it was translated by the police officer which brings to question the quality of such interpretation. This practice might have changed after the implementation of the Interpretation and translation Directive.⁵ Article 8(4) CPA, added by Amendment CPA-M⁶ that implemented the Interpretation and translation Directive,⁷ expressly stipulates that interpretation and translation must be provided by sworn-in court interpreters. Although suspects had the right to be informed in and use their own language even before the Directive was implemented, the provisions were not so precise.⁸ The police were mostly assisted by translators and interpreters chosen from a list internally compiled by the police.⁹</p>
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³ Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 13 October 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362. All hyperlinks were accessed on 24 June 2015.

⁴ Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

⁵ Slovenia, criminal law judge at the Ljubljana District Court (*Okrožno sodšče v Ljubljani*).

⁶ Slovenia, Act Amending the Criminal Procedure Act (CPA-M) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku, ZKP-M*), 5 December 2014, available at: www.uradni-list.si/1/objava.jsp?sop=2014-01-3503.

⁷ Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, OJ 2010 L 280 (*Interpretation and translation Directive*).

⁸ Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

⁹ The list is available on the Intranet website of the Police, available at: <http://intra.policija.si/index.php/prevajalci-in-tolmaci-za-potrebe-policije>.

		<p>How the new provisions work out in practice is not yet clear, as Amendment CPA-M came into force just recently in March 2015. A request for information on relevant issues in practice was sent to all the police directorates and police stations in Slovenia, most of which replied that they had not dealt with a case where the need for a court interpreter arose in this short time period.¹⁰ by</p> <p>b) Suspects have the right to use their own language (the right to interpretation and translation by a court interpreter) during all investigative police actions (Article 8(1) CPA). As explained in the 'Additional guidelines on the implementation of CPA-M' (<i>Dodatne usmeritve ob uveljavitvi ZKP-M</i>)¹¹ () the police must inform suspects of this right and provide suspects with the list of registered court interpreters (<i>sodni tolmači</i>)¹² from which suspects must choose a court interpreter. This must be done before conducting any investigative action, as they have the right to assistance from a court interpreter not only during the investigative action, but also in their preparation for such an action. If this is not possible (particularly in the case of urgent investigative actions on the basis of Article 164 CPA), the investigative action will be postponed until the arrival of the court interpreter, but no longer than two hours. Court interpreters (<i>sodni tolmači</i>) provide oral interpretation, as well as translation of essential documents. The police must also inform suspects of this right before conducting police questioning (Article 148(4) CPA). When depriving a person of liberty the police must also inform the person on their right to interpretation and translation (Article 4(5) CPA) – how is explained in detail below. A court interpreter must be provided in 48 hours, so to provide the suspect with an oral translation of all documents related to the decision on detention and relevant for his possible appeal on this decision</p>
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¹⁰ Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

¹¹ Director General of the Police (*Generalni direktor Policije*), *Dodatne usmeritve ob uveljavitvi ZKP-M* ('Additional guidelines on the implementation of CPA-M'), 13 March 2015 (the guidelines are not legally binding, they are an internal decree, but offer an insight into police practice, as police officers must abide them in performing their duties, also not publicly available, sent upon request by Ms Petra Recek, Senior Investigating Criminal Inspector – Specialist (*Višja kriminalistična inšpektorica-specialistka*) at the Criminal Police Directorate (*Uprava kriminalistične policije*) on 24 June 2015).

¹² Available on the website of the Ministry of Justice (*Ministrstvo za pravosodje*): <https://spvt.mp.gov.si/tolmaci.html>. The list contains the following information: name and surname, professional/academic title, city/town, telephone number and the language(s) within the competence of the interpreter.

and assist in communication with the detained person's legal counsel. This applies whenever detention lasts for more than six hours (Article 157(6) CPA).¹³
How the new provisions work out in practice is not yet clear, as Amendment CPA-M came into force just recently in March 2015. A request for information on relevant issues in practice was sent to all the police directorates and police stations in Slovenia, most of which replied that they had not dealt with a case where the need for a court interpreter arose in this short time period.¹⁴

c) As stipulated in Article 92(5) of the CPA the costs of translation shall not be charged against an accused person who does not understand or speak the Slovenian language in which criminal proceedings are conducted. They are paid by the Slovenian State budget. The same applies regarding the cost of interpretation or translation for parties, witnesses, suspects and other participants in investigative actions, judicial actions or at the main hearing (Article 8(6) CPA). An even stronger protection is provided to members of the Italian or Hungarian minority in bilingual areas where Italian or Hungarian is also the official language (Article 92(4) CPA).

d) Article 8(1) of the CPA stipulates that parties, witnesses, suspects and other participants in criminal proceedings have the right to use their own language in investigative police actions, judicial actions or at the main hearing. The CPA further elaborates specific situations and actions the authorities must take in regard to the right to interpretation and translation during the pre-trial and police-run phase of the criminal procedure.

Suspects have the right to interpretation and translation during all investigative police actions (Article 8(1) CPA). As explained in the 'Additional guidelines on the implementation of CPA-M' (*Dodatne usmeritve ob uveljavitvi ZKP-M*)¹⁵ - which although are not legally binding, offer an

¹³ Director General of the Police (*Generalni direktor Policije*), *Dodatne usmeritve ob uveljavitvi ZKP-M* ('Additional guidelines on the implementation of CPA-M'), 13 March 2015 (not publicly available, sent upon request by Ms Petra Recek, Senior Investigating Criminal Inspector – Specialist (*Višja kriminalistična inšpektorica-specialistka*) at the Criminal Police Directorate (*Uprava kriminalistične policije*) on 24 June 2015).

¹⁴ Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

¹⁵ Director General of the Police (*Generalni direktor Policije*), *Dodatne usmeritve ob uveljavitvi ZKP-M* ('Additional guidelines on the implementation of CPA-M'), 13 March 2015 (the guidelines are not legally binding, they are an internal decree, but offer an insight into police practice, as police officers must abide them in performing their duties, also, also not publicly available, sent upon request by Ms Petra Recek, Senior Investigating Criminal Inspector – Specialist (*Višja kriminalistična inšpektorica-specialistka*) at the Criminal Police Directorate (*Uprava kriminalistične policije*) on 24 June 2015).

insight into police practice): the police must inform suspects of this right and provide suspects with a registered court interpreter (*sodni tolmač*), before conducting any investigative action, as suspects have the right to assistance from a court interpreter not only during the investigative action, but also in their preparation for such an action. If this is not possible (particularly in the case of urgent investigative actions on the basis of Article 164 CPA) the investigative action will be postponed until the arrival of the court interpreter, but no longer than two hours. Article 148(4) CPA expressly stipulates that the police must inform all suspects of this right before conducting police questioning.

As stipulated in Article 4(1) CPA, this also applies when a person is being deprived of liberty. The person must be immediately informed on (among other rights) his or her rights to interpretation and translation. As stipulated in Article 4(5) CPA, when being deprived of liberty, persons must also be informed of all their rights in written form, which is prescribed (text composed) in Appendix 1 to the CPA¹⁶. The written information must be composed in their maternal language or in a language which they understand. If a written form in an adequate language is not available, then persons have to be firstly informed of their rights orally and then written information has to be provided to them without due delay (Article 4(5) CPA).

Appendix 1 to the CPA spells out the rights of persons who have been deprived of liberty, which, among others, include (under point C) the right to translation and interpretation, according to which anyone not speaking or understanding the language of the police or other authorities has the right to a court interpreter free of charge. It furthermore states: 'An interpreter may assist you in conversing with your legal counsel and must keep the contents of the conversation confidential. You have the right to translation of at least the relevant passages of essential documents, including any judicial decision on the deprivation of liberty (apprehension and arrest), charges filed and judgement. In some cases, you may be provided with an oral translation or summary.' [Translation

¹⁶ Slovenia, Appendix 1: Notice of the rights of a person deprived of liberty (*Priloga 1: Obvestilo o pravicah osebe, ki ji je odvzeta prostost*), 5 December 2014, available at: www.uradni-list.si/files/RS_-2014-087-03503-OB-P001-0000.PDF#!/pdf, is an essential part of the CPA as stipulated in Article 4(5), since the adoption of the Act Amending the Criminal Procedure Act (CPA-M) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku, ZKP-M*), 5 December 2014, available at: www.uradni-list.si/1/objava.jsp?sop=2014-01-3503.

		<p>of documents is elaborated later on in the report.]</p> <p>Article 8 was rewritten, and Article 4(5), as well as Appendix 1 to the CPA, were added to the CPA by Amendment CPA-M¹⁷ which implemented the Interpretation and Translation Directive).¹⁸</p>
<p>1.1. 2</p>	<ul style="list-style-type: none"> • court hearings; 	<p>a) Parties, witnesses, suspects and other participants in criminal proceedings have the right to use their own language in all judicial actions or at the main hearing (8(1) CPA). The judge who runs the court hearing must inform all participants of this right - the fact that they have been informed, as well as their statements in this regard, have to be noted in the record. They may waive their right only voluntarily and unequivocally, if they know (understand) the language in which the proceedings are conducted (Article 8(3) CPA). There is no ground to deny a participant this right. If a participant waives this right, but does obviously not understand or does not speak Slovenian the judge who runs the court hearing may nevertheless determine that there exists a need for interpretation (Article 299(2) CPA and 8(3) CPA).¹⁹.</p> <p>b) Judges report that already when issuing summons to the hearing they notice the names and surnames which are obviously not Slovenian. In such a case they check whether there is any information on a need of interpreter's service in the court file from previous phases of the procedure (e. g. during the pre-trial or investigative phase). If that is the case they already translate the summons to the language which was used in the previous phases of the procedure.²⁰ If not, then they issue summons in Slovenian and then at the beginning of the hearing ask suspects if they understand Slovenian. Sometimes it is obvious they do not understand even the introductory sentences of the main hearing. If the communication is not possible or is difficult, they issue an order for an interpreter and adjourn the hearing until the interpreter is present.²¹ In Slovenia it is most frequently the case that the suspects who do not speak Slovenian are from ex-Yugoslavian republics. Frequently they speak a mixture of Serbian, Bosnian, Croatian and a bit of Slovenian. In</p>

¹⁷ Slovenia, Act Amending the Criminal Procedure Act (CPA-M) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku, ZKP-M*), 5 December 2014, available at: www.uradni-list.si/1/objava.jsp?sop=2014-01-3503.

¹⁸ Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, OJ 2010 L 280 (*Interpretation and translation Directive*).

¹⁹ Slovenia, criminal law judge at the Ljubljana County Court (*Okrajno sodšče v Ljubljani*).

²⁰ Slovenia, criminal law judge at the Ljubljana County Court (*Okrajno sodšče v Ljubljani*).

²¹ Slovenia, criminal law judges at the Ljubljana County Court (*Okrajno sodšče v Ljubljani*).

	<p>such a case they understand Slovenian but do not speak it correctly. Although they reply in a mixture of languages that judges most frequently understand and waive their right to a court interpreter judges will still tend to require a court interpreter, as they want the defendants' testimony to be properly translated into Slovenian, in order to avoid any possible misunderstandings.²² Judges have an obligation to provide a court interpreter if the participant seeks to exercise this right or even if the participant waives this right, but does not understand or speak Slovenian (8(3) CPA), as it is the duty of the judge to do all for the issue at hand to be comprehensively explained (299(2) CPA).²³</p> <p>Slovenian law has a special regime regarding the language of two minorities: the Italian and the Hungarian. The Constitution of the Republic of Slovenia grants them special rights with the purpose to preserve their national identity including the use of their language in official procedures (Article 64).²⁴ In regions where people belonging to one of those two minorities live, the whole procedure may run in either the Italian or the Hungarian language (Article 6(2) CPA). Members of these two national minorities are also allowed to file submissions in the Italian or the Hungarian language if these languages are used as official languages of the court.(Article 7(2) CPA).</p>
	<p>c) As stipulated in Article 92(5) of the CPA the costs of translation shall not be charged against an accused person who does not understand or speak the Slovenian language in which criminal proceedings are conducted. They are paid by the Slovenian State budget. The same applies regarding the cost of interpretation or translation for parties, witnesses, suspects and other participants in investigative actions, judicial actions or at the main hearing (Article 8(6) CPA). An even stronger protection is provided to members of the Italian or Hungarian minority in bilingual areas where Italian or Hungarian is also the official language (Article 92(4) CPA).</p>
	<p>d) Parties, witnesses, suspects and other participants in the proceedings have to be informed of their right to use their own language before any judicial actions or at the beginning of the main hearing. The fact that they have been informed of this right, as well as their statements in this regard, have to be noted in the record. They may waive their right to translation or</p>

²² Slovenia, criminal law judges at the Ljubljana County Court (*Okrajno sodšče v Ljubljani*) and Ljubljana District Court (*Okrožno sodšče v Ljubljani*).

²³ Slovenia, criminal law judge at the Ljubljana County Court (*Okrajno sodšče v Ljubljani*).

²⁴ Slovenia, Constitution of the Republic of Slovenia (*Ustava Republike Slovenije, URS*) 28 December 1991, available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=USTA1..>

interpretation of a particular investigative and other judicial action or part of the main hearing or certain judicial or other documents only voluntarily and unequivocally, if they know (understand) the language in which the proceedings are conducted (Article 8(3) CPA). Even before the introduction of the Amendment CPA-M²⁵ which implemented the Interpretation and translation Directive, the courts had been informing defendants of their right to assistance of a court interpreter. If the defendant was a foreigner or had a foreign name information on the right was given immediately when such a person was called to give a statement, thus before the interrogation at the main hearing started.²⁶ If information on the language that the defendant spoke had already been previously noted in the file, then the summons were already translated to that language. If there was no information in the file on the defendants' nationality or language that the defendant understood than the summons were issued in Slovenian language since it was not clear to which language the summons should be translated to. As mentioned above, if the judge determined a defendant did not understand or speak Slovenian, but no information on this was available beforehand and a court interpreter was not present at the main hearing, then the hearing would be adjourned. That no information on the language the defendant speaks is available beforehand is sometimes a problem in practice, as it is sometimes established only at the main hearing – which must then be adjourned - and thus prolongs proceedings.²⁷ Since Amendment CPA-M took effect on 20 March 2015 the information on the right to use a court interpreter (not only at the main hearing, but also in preparation for investigative police or judicial actions, in consultation with legal counsel, for translation of documents, as stipulated in Appendix 1 to the CPA²⁸) is now part of the general information on the procedural rights which is given to each suspect or accused person, regardless of their nationality,²⁹ when being deprived of liberty (Article 4(5)CPA). That information was given and the language the suspect understands is noted in

²⁵ Slovenia, Act Amending the Criminal Procedure Act (CPA-M) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku, ZKP-M*), 5 December 2014, available at: www.uradni-list.si/1/objava.jsp?sop=2014-01-3503.

²⁶ Slovenia, criminal law judge at the Ljubljana District Court (*Okrožno sodšče v Ljubljani*).

²⁷ Slovenia, criminal law judge at the Ljubljana County Court (*Okrajno sodšče v Ljubljani*).

²⁸ Slovenia, *Priloga 1: Obvestilo o pravicah osebe, ki ji je odvzeta prostost* ('Appendix 1: Notice of the rights of a person deprived of liberty'), 5 December 2014, available at: www.uradni-list.si/files/RS_-2014-087-03503-OB-P001-0000.PDF#!/pdf, is an essential part of the CPA as stipulated in Article 4(5), since the adoption of the Act Amending the Criminal Procedure Act (CPA-M) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku, ZKP-M*), 5 December 2014, available at: www.uradni-list.si/1/objava.jsp?sop=2014-01-3503.

²⁹ Slovenia, criminal law judge at the Ljubljana District Court (*Okrožno sodšče v Ljubljani*).

		<p>the Official note of arrest and detention (<i>Uradni zaznamek o odvzemu prostosti in pridržanju</i>) and in the Decision on arrest and detention (<i>Odločba o odvzemu prostosti in pridržanju</i>),³⁰ thus also informing judges beforehand. In cases when a defendant had not been deprived of liberty the problem may still persist even under the new regime.³¹</p>
<p>1.1. 3</p>	<ul style="list-style-type: none"> • any necessary interim hearings; 	<p>a) According to the Slovenian legal order any interim hearing is always conducted by the judge. This can happen either (1) during the phase of investigation run by an investigating judge or (2) during the hearing for ordering pre-trial detention run by the investigating judge or (3) during the pre-trial arraignment run by a trial judge. The responsibility for determining the need for translation lies on a judge conducting a hearing.</p> <p>The right to interpretation and translation does not apply to interim hearings conducted by the public prosecutor under Article 163a CPA (related to diversions mechanisms (settlement under Article 161a CPA and conditional suspension of prosecution under Article 162 CPA), filing of a penal order (Article 445a CPA) or concluding a plea agreement (Article 450a CPA). The legislative proposal of the amendments to CPA³² provides no explanation why no such right has been conferred to this hearing in general. Directive 2010/64/EU has been implemented with respect to investigative acts (including police questioning and interrogation) and court hearings. The hearing under Art. 163a CPA is not investigative in nature and does not amount to a questioning/interrogation of a suspect. However, in case of plea agreement negotiations, the CPA requires that the public prosecutor informs the suspect about his rights under Art. 148(4) CPA, including the right to interpretation/translation (Art. 450a (1) CPA).</p> <p>b) In the phase of investigation there is usually no prior data in the file regarding the defendant's language and therefore the summons are most usually issued in Slovenian. At that stage of the procedure it is frequently not even clear which nationality defendants have. When the interrogation starts with gathering the data on defendants it is already clear whether they understand the questions or not. If the communication is difficult then the judge immediately informs defendants of their right to a court interpreter and the hearing is adjourned until the interpreter is present. This is</p>

³⁰ Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

³¹ Slovenia, criminal law judge at the Ljubljana County Court (*Okrajno sodšče v Ljubljani*).

³² Slovenia, Proposal for Amendment to the Criminal Procedure Act (Proposol of Amendment CPA-M) (*Predlog Zakona o spremembah in dopolnitvah Zakona o kazenskem postopku, Predlog ZKP-M*), available at: [http://vrs-3.vlada.si/MANDAT14/VLADNAGRADIVA.NSF/71d4985ffda5de89c12572c3003716c4/2748b378ff65b168c1257d73001e40ba/\\$FILE/ZKP-M_vrs_15_10_14.pdf](http://vrs-3.vlada.si/MANDAT14/VLADNAGRADIVA.NSF/71d4985ffda5de89c12572c3003716c4/2748b378ff65b168c1257d73001e40ba/$FILE/ZKP-M_vrs_15_10_14.pdf).

		<p>most frequently the case with nationals of ex-Yugoslavia who do understand Slovenian but do not speak it well or not at all. In such a case they usually decline the interpreter and it is then up to the judge to decide whether the interpreter is still needed. In cases when defendants do not understand even a little bit of Slovenian the interpreter is called. If there is already data on the nationality of defendants and the language they speak the summons are translated to the language they understand and an interpreter is already invited to the first hearing.³³</p>
		<p>c) As stipulated in Article 92(5) of the CPA the costs of translation shall not be charged against an accused person who does not understand or speak the Slovenian language in which criminal proceedings are conducted. They are paid by the Slovenian State budget. The same applies regarding the cost of interpretation or translation for parties, witnesses, suspects and other participants in investigative actions, judicial actions or at the main hearing (Article 8(6) CPA). An even stronger protection is provided to members of the Italian or Hungarian minority in bilingual areas where Italian or Hungarian is also the official language (Article 92(4) CPA).</p>
		<p>d) Article 8(1) CPA provides for the right of parties, witnesses, suspects and other participants in the proceedings to use their own language in investigative and other judicial actions. Parties, witnesses, suspects and other participants in the proceedings have to be informed of their right to use their own language in investigative and other judicial actions. The fact that they have been informed of this right, as well as their statements in this regard, have to be noted on the record. They may waive their right to translation or interpretation of a particular investigative and other judicial action or part of the main hearing or certain judicial or other documents only voluntarily and unequivocally, if they know the language in which the proceedings are being conducted (Article 8(3) CPA).</p>
<p>1.1. 4</p>	<ul style="list-style-type: none"> any communication between suspects and accused persons and their legal 	<p>a) In the pre-trial procedure this is the duty of the police officer: to inform a suspect of this right before conducting police questioning as stipulated in Article 148(4), and when depriving a person of liberty they must also be informed orally and in a written form of their rights provided in Appendix 1 to CPA³⁴ as stipulated in Article 4(5) CPA. In court proceedings this is the duty of the judge (Article 74(2) and (3) CPA).</p>

³³ Slovenia, magistrate of the Ljubljana District Court (*Okrožno sodšče v Ljubljani*).

³⁴ Slovenia, *Priloga 1: Obvestilo o pravicah osebe, ki ji je odvzeta prostost* ('Appendix 1: Notice of the rights of a person deprived of liberty'), 5 December 2014, available at: www.uradni-list.si/files/RS_-2014-087-03503-OB-P001-0000.PDF#!/pdf, is an essential part of the CPA as stipulated in Article 4(5), since the adoption

counsel in direct connection with any questioning or hearing during the proceedings?

b) Article 8(1) CPA stipulates that suspects have the right to use their own language (the right to interpretation and translation by a court interpreter) during all investigative police actions. Article 148(4) CPA stipulates that the police must inform suspects of this right before conducting police questioning. Article 148(4) also provides that a suspect must be informed beforehand of their right to a legal counsel of their own choosing which may be present during the police questioning. This provision thus guarantees that **the legal counsel, as well as the court interpreter may be present during the police questioning**. As explained in the 'Additional guidelines on the implementation of CPA-M' (*Dodatne usmeritve ob uveljavitvi ZKP-M*)³⁵ the police must inform suspects of this right and provide suspects with a court interpreter, before conducting any investigative action, as they have the right to assistance from a court interpreter not only during the investigative action, but also in their preparation for such an action. However, in cases when a suspect is not deprived of liberty, neither the legislation, nor the Additional guidelines expressly provide how long such preparation may last, nor whether the suspect has the right for the court interpreter to provide assistance in conversing with legal counsel outside of police questioning (e.g. in preparation for subsequent investigative police actions). How this works in practice is not clear.³⁶ How the new provisions work out in practice is in general not yet clear, as Amendment CPA-M came into force just recently in March 2015. A request for information on relevant issues in practice was sent to all the police directorates and police stations in Slovenia, most of which replied that they had not dealt with a case where the need for assistance from court interpreter arose in this short time period.³⁷

When a person is deprived of liberty, the police must provide for the exercise of their rights as stipulated in Appendix 1 to CPA, including that a court interpreter may assist while they are talking with their legal counsel and has to keep the contents of the conversation confidential.

When a person is in detention on remand, upon a request of the detained accused person or his counsel, the court is also obliged to provide interpretation for a confidential conversation of the

of the Act Amending the Criminal Procedure Act (CPA-M) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku, ZKP-M*), 5 December 2014, available at: www.uradni-list.si/1/objava.jsp?sop=2014-01-3503.

³⁵ Director General of the Police (*Generalni direktor Policije*), *Dodatne usmeritve ob uveljavitvi ZKP-M* ('Additional guidelines on the implementation of CPA-M'), 13 March 2015 (the guidelines are not legally binding, they are an internal decree, but offer an insight into police practice, as police officers must abide them in performing their duties, also not publicly available, sent upon request by Ms Petra Recek, Senior Investigating Criminal Inspector – Specialist (*Višja kriminalistična inšpektorica-specialistka*) at the Criminal Police Directorate (*Uprava kriminalistične policije*) on 24 June 2015).

³⁶ Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

³⁷ Slovenia, representatives of the General Police Directorate (*Generalna policijska uprava*).

accused person with their counsel (Article 74(2) CPA). Upon a request of the accused person or his counsel, the court can provide interpretation for a confidential conversation of the accused person with the counsel, if it establishes that, given the specific circumstances of the case, safeguarding of guarantees or rights in pre-trial or criminal proceedings requires interpretation besides the one granted to the detainee, in particular when performing interrogations or identifications, ruling on the bail or lodging legal remedies (Article 74(3) CPA). In practice, if defendants who do not speak or understand Slovenian language express the wish to communicate with their legal counsel either in private to prepare the defence or to have assistance during the main hearing, the interpreter is granted to them. E. g. during the main hearing interpreters stand next to defendants and translate the conversation between them and the defence counsel. The same is true if defendants turn to the defence council during the main hearing for advice.³⁸ Defence counsels frequently ask for an interpreter and are granted one when they intend to visit defendants in the pre-trial detention with the purpose to prepare defence.³⁹

c) As stipulated in Article 92(5) of the CPA the costs of translation shall not be charged against an accused person who does not understand or speak the Slovenian language in which criminal proceedings are conducted. They are paid by the Slovenian State budget. The same applies regarding the cost of interpretation or translation for parties, witnesses, suspects and other participants in investigative actions, judicial actions or at the main hearing (Article 8(6) CPA). An even stronger protection is provided to members of the Italian or Hungarian minority in bilingual areas where Italian or Hungarian is also the official language (Article 92(4) CPA).

d) Article 148(4) CPA stipulates that **before** conducting police questioning the police must inform suspects of their right to have present a legal counsel of their own choosing and their right to use their own language (be provided with the assistance of a registered court interpreter, as elaborated in the 'Additional guidelines on the implementation of CPA-M' (*Dodatne usmeritve ob uveljavitvi ZKP-M*)).⁴⁰
When a

³⁸ Slovenia, criminal law judge at the Ljubljana District Court (*Okožno sodišče v Ljubljani*).

³⁹ Slovenia, magistrate at the Ljubljana District Court (*Okrožno sodišče v Ljubljani*).

⁴⁰ Slovenia, representative of the Police (*Generalni direktor Policije*), *Dodatne usmeritve ob uveljavitvi ZKP-M* ('Additional guidelines on the implementation of CPA-M'); representative of the Criminal Police Directorate (*Uprava kriminalistične policije*), (the guidelines are not legally binding, they are an internal decree, but offer an insight into police practice, as police officers must abide them in performing their duties, also not publicly available).

		<p>person is being deprived of liberty, they must be immediately informed, orally and in writing, in their maternal language or in a language which they understand, of their rights including their right to interpretation and translation (Article 4(1, 5) CPA). The text of the written form is expressly prescribed in Appendix 1 to the CPA,⁴¹ stating under point C: 'If you do not speak or understand the language of the police or other authorities you have the right to an interpreter free of charge. The interpreter may assist you in conversing with your legal counsel and must keep the contents of the conversation confidential.' As provided in the 'Additional guidelines on the implementation of CPA-M' a court interpreter must be provided by the police in 48 hours, so to provide the suspect with an oral translation of all documents related to the decision on detention and relevant for his possible appeal on this decision and assist in communication with the detained person's legal counsel. This applies whenever detention lasts for more than six hours (Article 157(6) CPA).⁴²</p> <p>There is no specific referral in the CPA specifying the duty of the judge to inform the defendant of the right to have a court interpreter present in order to be able to communicate with their legal counsel when preparing a defence. This means that judges do not have a prepared form, as the police do (in Appendix 1 to the CPA), on what precisely they must say when informing the defendant on their right to use their language or to be provided with the assistance of a court interpreter – specifying what all this in fact entails (e.g. assistance in communication with legal counsel). As stated by criminal court judge Ms Ana Testen, judges may simply state “you have the right to a court interpreter” and not explain all that the interpreter may provide – assistance in communicating with legal counsel outside the courtroom.⁴³ However, in practice defendants or defence counsels do ask for such help and are granted it according to Articles 74(2) and 74(3) CPA (see above 1.1.4.(b)).</p>
1.2	How do authorities ensure interpretation	If no certified interpreters exist or if there are too few, to perform translation or interpretation

⁴¹ Slovenia, Appendix 1: Notice of the rights of a person deprived of liberty (*Priloga 1: Obvestilo o pravicah osebe, ki ji je odvzeta prostost*), 5 December 2014, available at: www.uradni-list.si/files/RS_-2014-087-03503-OB-P001-0000.PDF#!/pdf, is an essential part of the CPA as stipulated in Article 4(5), since the adoption of the Act Amending the Criminal Procedure Act (CPA-M) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku, ZKP-M*), 5 December 2014, available at: www.uradni-list.si/1/objava.jsp?sop=2014-01-3503.

⁴² Slovenia, representative of the Police (*Generalni direktor Policije*), *Dodatne usmeritve ob uveljavitvi ZKP-M* ('Additional guidelines on the implementation of CPA-M'); representative of the Criminal Police Directorate (*Uprava kriminalistične policije*), (the guidelines are not legally binding, they are an internal decree, but offer an insight into police practice, as police officers must abide them in performing their duties, also not publicly available).

⁴³ Slovenia, criminal law judge at the Ljubljana County Court (*Okrajno sodišče v Ljubljani*).

	<p>into rare/lesser known languages where no certified interpreters exist? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	<p>Article 8(4) CPA provides for the possibility of the court to appoint other appropriate persons who speak the foreign language. In such cases translators have to swear before the court that they will translate the questions put to the defendants and their answers with precision (Article 233 CPA). In practice judges call one of the established translation agencies or the Faculty of Arts (<i>Filozofska fakulteta</i>) and inquire of their translators or people who speak a certain rare language.⁴⁴ According to reports this works really well and there has never been a case where they would not be able to find a translator this way. The practitioners stated that in a case when none of those institutions would be able to provide them with a person who speaks a rare language they would contact authorities abroad (Austria, Italy) to give them contact of such a person.⁴⁵</p>
<p>1.3</p>	<p>Please describe procedures in place, if any, to ensure that suspects or accused persons have the right to challenge the decision that no interpretation is needed? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	<p>Article 8(2) CPA stipulates that defendants (as well as witnesses and other participants in the proceedings) may lodge an objection in regard to the exercise of investigative police actions, judicial actions or the main hearing I with the criminal court judge: 1) if they consider that the interpretation or translation is or was not appropriate because it does not provide for the implementation of the guarantees or rights in pre-trial or criminal proceedings, or 2) if they consider that in order to safeguard them - in addition to oral interpretation of what the defendants or others say, written translation of documents and other written pieces of evidence, that includes essential trial documents such as: the bill of indictment, summons, all decisions to remand the defendant in custody, judgements, decisions on exclusion of evidence and exclusion of judges (as stipulated by Article 8(1) CPA) - interpretation or translation in other cases⁴⁶ should also be provided given the specific circumstances of the case. Such an objection is noted on record of the hearing (Article 82(7) CPA). Denying defendants the right to use their own language in investigative and other judicial actions or at the main hearing, or to follow the course of the main hearing in their language constitutes a violation of the provisions of the criminal procedure act (violation of due process) and is thus a ground to appeal the judgement (Article 371(1)3 CPA).</p>

⁴⁴ Slovenia, criminal law judge at the Ljubljana District Court (*Okrožno sodšče v Ljubljani*).

⁴⁵ Slovenia, criminal law judges at the Ljubljana County Court (*Okrajno sodišče v Ljubljani*) and the Ljubljana District Court (*Okrožno sodišče v Ljubljani*).

⁴⁶ What these 'other cases' are is not defined in the provisions of CPA. In the opinion of a criminal court judge, they may include any type of document or evidence relevant to the case, not only essential trial documents, but e.g. any material which will be used as evidence against the defendant in the proceedings or any material defendants may wish to submit to the court in their defence. However case law on this matter is not yet established, as Amendment CPA-M came into force just recently in March 2015.

		<p>Since CPA-M came into force in March 2015, if the suspect wishes to exercise this right, court interpreters must also be present during the execution of all investigative police actions, including police questioning (8(1) and 148(4) CPA). If this right was not provided the suspect (defendant) will lodge an objection with the pre-trial judge or criminal court judge (e.g. at the main hearing when evidence is read out loud the defendant or counsel will object that the defendant did not understand what was going on in police questioning). If evidence obtained in police questioning was obtained in breach of the right of interpretation or translation the court will dismiss it as illegally obtained evidence (<i>nedovoljen dokaz</i>).⁴⁷</p>
1.4	With regard to remote interpretation via communication technologies :	
	a) Can communication technologies for the purpose of remote interpretation be used? If so, at what stage(s) of the proceedings?	<p>Witnesses, expert witnesses and defendants, located in Slovenia or abroad, may be interrogated via video conference (244.a CPA). Remote interpretation is possible, as technical conditions for remote interpretations do exist and could be used (some courts are equipped with videoconference equipment). However no numerical data on the frequency of their use is available, as the Ministry of Justice compiles statistics on all video conferences that are performed but not on the use of interpreters.⁴⁸</p>
	b) Which technologies are used, if any (video conference, telephone, internet, etc.)	<p>The courts may use video conferences (244. CPA). The courts resort to using video conferences in general, more and more, frequently.⁴⁹</p> <p>When a video conference is used for e. g. the interrogation of witnesses from abroad the court must also provide for the service of interpreters, meaning if the witness does not speak Slovenian then the Slovenian court must ensure that an interpreter accompanies the witness. In practice an interpreter is appointed by the foreign court and the costs are borne by the Slovenian court. If the witness agrees, an interpreter may rather provide interpretation to the witness via video conference</p>

⁴⁷ Slovenia, criminal law judge at the Ljubljana County Court (*Okrajno sodišče v Ljubljani*).

⁴⁸ Slovenia, representative of the Ministry of Justice (*Ministrstvo za pravosodje*).

⁴⁹ Slovenia, representative of the Ministry of Justice (*Ministrstvo za pravosodje*).

		from Slovenia (take part in the video conference from Slovenia) and is thus appointed by the Slovenian court. ⁵⁰		
	c) Do competent authorities rely on the tools developed in the context of European e-Justice (e.g. information on courts with videoconferencing equipment provided on the European E-justice Portal)? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	<p>The Slovenian portal e-justice (<i>E-pravosodje</i>) contains information on the availability of video equipment in courts around Slovenia.⁵¹</p> <p>Information on national facilities for videoconferencing (a list of courts that are equipped with video conference equipment) is also available on the European E-justice Portal, but only in the Slovenian language.⁵² There is no data available regarding the use of the European E-justice Portal by Slovenian judges (e.g. no survey has been conducted).⁵³</p>		
	TRAINING⁵⁴	Yes	No	Brief Description
1.5	Are providers of judicial training requested to pay special attention to the particularities of communicating with the assistance of an interpreter so as to		✓	Preparatory and refresher training seminars for court interpreters focus mostly on language or translation issues (e.g. terminology of certain fields of law in different countries, 'Key problems of legal terminology and typical forms of documents and their translations', 'Translation approaches of a court interpreter (how to translate for the target audience, parameters in translating the names of institutions)' etc.), as well as specific legal knowledge (e.g. 'the organization and functioning of the judiciary, the basics of court proceedings and legal provisions concerning the rights and obligations

⁵⁰ Slovenia, representative of the Ministry of Justice (*Ministrstvo za pravosodje*).

⁵¹ Information available at: http://www.mp.gov.si/si/delovna_podrocja/e_pravosodje/.

⁵² Available at: https://e-justice.europa.eu/content_information_on_national_facilities-319-si-en.do?clang=sl.

⁵³ Slovenia, representative of the Ministry of Justice (*Ministrstvo za pravosodje*).

⁵⁴ See in particular Art. 6 and relevant recitals of Directive 2010/64/EU.

	ensure efficient and effective communication? If yes, briefly provide details.			of interpreters in the Republic of Slovenia, 'The constitutional systems of the German-speaking countries', etc.) and less on the particularities of communication with the assistance of an interpreter. ⁵⁵
2.	RIGHT TO TRANSLATION OF DOCUMENTS⁵⁶	Brief Description		
2.1	<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) Which documents (according to national law or established practice) are considered essential to translate in order to safeguard the fairness of the proceedings?</p> <p>b) Who bears the cost of translation at each stage?</p> <p>c) What is the time frame (deadline) for the translation of documents at each stage of the proceedings?</p> <p>Please cross-check findings from the desk-research by consulting relevant organisations and/or practitioners.</p>			
2.1.1	<ul style="list-style-type: none"> • police questioning; 	<p>Persons who are being deprived of liberty (e.g. suspects who are arrested) have to be informed in writing in their own native language or a language they understand of their rights and the reasons why they were deprived of liberty (Article 4(5) of the Criminal Procedure Act (CPA) (<i>Zakon o kazenskem postopku, ZKP</i>).⁵⁷ Among those rights is also the right to a pay-free service of an interpreter who can also help them to communicate with their lawyer and a right to translation of at least the relevant passages of essential documents, including any judicial decision on the deprivation of liberty, charges, indictment and judgement. In some cases an oral translation or summary of these documents may be provided. This is stipulated in Appendix 1 to the CPA, which</p>		

⁵⁵ Slovenia, representative of the Judicial Training Centre (*Center za izobraževanje v pravosodju, CIP*) at the Ministry of Justice (*Ministrstvo za pravosodje*).

⁵⁶ See in particular Articles 3 and 4 and relevant recitals of Directive 2010/64/EU.

⁵⁷ Slovenia, Criminal Procedure Act (*Zakon o kazenskem postopku, ZKP*), 13 October 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362. All hyperlinks were accessed on 24 June 2015.

		<p>is an essential part of the CPA as provided by Article 4(5)). The translated text as written in Appendix 1 is given to persons deprived of liberty.⁵⁸ As explained in the 'Additional guidelines on the implementation of CPA-M' (<i>Dodatne usmeritve ob uveljavitvi ZKP-M</i>)⁵⁹ a court interpreter must be provided in 48 hours, so to provide the suspect with an oral translation of all documents related to the decision on detention and relevant for his possible appeal on this decision and assist in communication with the detained person's legal counsel. This applies whenever detention lasts for more than six hours (as stipulated in Article 157(6) CPA). How the new provisions work out in practice is not yet clear, as Amendment CPA-M came into force just recently in March 2015. A request for information on relevant issues in practice was sent to all the police directorates and police stations in Slovenia, most of which replied that they had not dealt with a case where the need for a court interpreter arose in this short time period.⁶⁰ As explained by Ms Petra Recek, Senior Investigating Criminal Inspector – Specialist, given that in detention the time frame is quite short (48 hours before being brought before a pre-trial investigating judge), it is most likely that in practice mostly oral translation of essential documents will be provided.⁶¹</p> <p>All suspects, not only those deprived of liberty have the right to use their own language (the right to interpretation and translation by a court interpreter) during all investigative police actions (as provided by Article 8(1) CPA). Article 148(4) CPA stipulates that before conducting police questioning the police must inform suspects of their right to have present a legal counsel of their own choosing and their right to use their own language (meaning to be provided with the assistance of a registered court interpreter, as elaborated in the 'Additional guidelines on the implementation of CPA-M' (<i>Dodatne usmeritve ob uveljavitvi ZKP-M</i>)). The Additional Guidelines also emphasize that suspects have the right to assistance from a court interpreter not only during the investigative action, but also in <u>their preparation</u> for such an action. However, in cases when a person is <u>not deprived of liberty</u>, neither the legislation, nor the Additional guidelines expressly</p>
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⁵⁸ Slovenia, *Priloga 1: Obvestilo o pravicah osebe, ki ji je odvzeta prostost* ('Appendix 1: Notice of the rights of a person deprived of liberty'), 5 December 2014, available at: www.uradni-list.si/files/RS_-2014-087-03503-OB~P001-0000.PDF#!/pdf, is an essential part of the CPA as stipulated in Article 4(5), since the adoption of the Act Amending the Criminal Procedure Act (CPA-M) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku, ZKP-M*), 5 December 2014, available at: www.uradni-list.si/1/objava.jsp?sop=2014-01-3503.

⁵⁹ Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*), *Dodatne usmeritve ob uveljavitvi ZKP-M* ('Additional guidelines on the implementation of CPA-M'), 13 March 2015 (the guidelines are not legally binding, they are an internal decree, but offer an insight into police practice, as police officers must abide them in performing their duties, also not publicly available).

⁶⁰ Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

⁶¹ Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

		<p>provide which documents (or the relevant passages of which documents) suspects or other parties in criminal proceedings (e.g. defendants) have the right to have translated (either translated in writing or orally interpreted). How this works in practice is not yet clear.⁶² How the new provisions work out in practice is in general not yet clear, as Amendment CPA-M came into force just recently in March 2015.⁶³ A request for information on relevant issues in practice was sent to all the police directorates and police stations in Slovenia, most of which replied that they had not dealt with a case where the need for assistance from court interpreter arose in this short time period.⁶⁴.</p>
		<p>b) As stipulated in Article 92(5) of the CPA the costs of translation shall not be charged against an accused person who does not understand or speak the Slovenian language in which criminal proceedings are conducted. They are paid by the Slovenian State budget. The same applies regarding the cost of interpretation or translation for parties, witnesses, suspects and other participants in investigative actions, judicial actions or at the main hearing (Article 8(6) CPA). An even stronger protection is provided to members of the Italian or Hungarian minority in bilingual areas where Italian or Hungarian is also the official language (Article 92(4) CPA).</p>
		<p>c) There is no legally prescribed deadline, not even a general reference, as explained above in 2.1.1.a) most of the translation provided in this phase is oral. As provided in the 'Additional guidelines on the implementation of CPA-M' (<i>Dodatne usmeritve ob uveljavitvi ZKP-M</i>)⁶⁵ a court interpreter must be provided no later than in 48 hours since the deprivation of liberty.</p>
<ul style="list-style-type: none"> • court hearings; 		<p>a) Amendment CPA-M⁶⁶ which implemented the Directive introduced the new rule by which in case the main hearing is not conducted in the language defendants understand a written translation of documents and other written evidence must be provided, which includes the documents essential for the accused and suspects, such as: charges or indictments, summons, all decisions on the deprivation of liberty, judgements, court decisions on the exclusion of evidence, on the rejection of</p>

⁶² Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

⁶³ Slovenia, criminal law judge at the Ljubljana County Court (*Okrajno sodšče v Ljubljani*).

⁶⁴ Slovenia, representatives of the General Police Directorate (*Generalna policijska uprava*).

⁶⁵ Slovenia, representative of the Criminal Police Directorate (*Uprava kriminalistične policije*), *Dodatne usmeritve ob uveljavitvi ZKP-M* ('Additional guidelines on the implementation of CPA-M'), 13 March 2015 (not publicly available).

⁶⁶ Slovenia, Act Amending the Criminal Procedure Act (CPA-M) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku, ZKP-M*), 5 December 2014, available at: www.uradni-list.si/1/objava.jsp?sop=2014-01-3503.

<p>2.1.2</p>		<p>motions for evidence and on disqualification of judges (Article 8(1) CPA). From now on it is therefore clearer what documents need to be translated. An additional rule provides that the court may, upon a request of suspects or the accused, decide that given the specific circumstances of the case, interpretation or translation can also be provided in other cases except the ones mentioned above in order to ensure the implementation of guarantees or rights in pre-trial or criminal proceedings (Article 8(1) CPA).</p> <p>In practice the judges always used to translate: any document related to the deprivation of liberty (e. g. decision on the pre-trial detention), charges or indictments, court decisions on the exclusion of evidence and all other decisions taken in the course of the main hearing which could have been appealed.⁶⁷ The decision whether to translate documents which contained written evidence was in discretion of a judge. The new rules on which evidential documents have to be translated now, after the introduction of the Amendment CPA-M have not yet been completely established, but the judges tend to order a translation of more such documents than before. It is still not clear which evidential documents have to be translated and it seems that this policy will depend a lot on the individual judge.⁶⁸</p>
		<p>b) As stipulated in Article 92(5) of the CPA the costs of translation shall not be charged against an accused person who does not understand or speak the Slovenian language in which criminal proceedings are conducted. They are paid by the Slovenian State budget. The same applies regarding the cost of interpretation or translation for parties, witnesses, suspects and other participants in investigative actions, judicial actions or at the main hearing (Article 8(6) CPA). An even stronger protection is provided to members of the Italian or Hungarian minority in bilingual areas where Italian or Hungarian is also the official language (Article 92(4) CPA).</p>
		<p>c) There are no legally provided deadlines, court interpreters must provide a translation in the deadline ordered by the judge running the proceedings. According to the reports of practitioners (judges) contacted translators act really quickly. For shorter documents the deadline the judges give to the translators is three days and for longer documents five to seven days.⁶⁹</p>
	<ul style="list-style-type: none"> • any necessary 	<p>a) See 2.1.2.a.</p>

⁶⁷ Slovenia, criminal law judge at the Ljubljana District Court (*Okrožno sodišče v Ljubljani*).

⁶⁸ Slovenia, criminal law judges at the Ljubljana County Court (*Okrajno sodišče v Ljubljani*) and the Ljubljana District Court (*Okrožno sodišče v Ljubljani*).

⁶⁹ Slovenia, criminal law judges at the Ljubljana County Court (*Okrajno sodišče v Ljubljani*) and the Ljubljana District Court (*Okrožno sodišče v Ljubljani*).

<p>2.1. 3</p>	<p>interim hearings;</p>	<p>b) As stipulated in Article 92(5) of the CPA the costs of translation shall not be charged against an accused person who does not understand or speak the Slovenian language in which criminal proceedings are conducted. They are paid by the Slovenian State budget. The same applies regarding the cost of interpretation or translation for parties, witnesses, suspects and other participants in investigative actions, judicial actions or at the main hearing (Article 8(6) CPA). An even stronger protection is provided to members of the Italian or Hungarian minority in bilingual areas where Italian or Hungarian is also the official language (Article 92(4) CPA).</p>
		<p>c) There are no legally provided deadlines, court interpreters must provide a translation in the deadline ordered by the judge running the proceedings. According to reports of practitioners court interpreters act really quickly, since they want such a job and to make a good impression. For shorter documents the deadline the judges give is three days and for longer documents five to seven days. For essential documents needed for defendants in detention deadlines are even shorter: up to one day.⁷⁰</p>
<p>2.1. 4</p>	<ul style="list-style-type: none"> any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? 	<p>a) see 2.1.2.a</p>
		<p>b) As stipulated in Article 92(5) of the CPA the costs of translation shall not be charged against an accused person who does not understand or speak the Slovenian language in which criminal proceedings are conducted. They are paid by the Slovenian State budget. The same applies regarding the cost of interpretation or translation for parties, witnesses, suspects and other participants in investigative actions, judicial actions or at the main hearing (Article 8(6) CPA). An even stronger protection is provided to members of the Italian or Hungarian minority in bilingual areas where Italian or Hungarian is also the official language. According to Article 92(4) CPA the costs of translation into the Slovenian, Italian or Hungarian language, arising in connection with the exercising of the constitutional right of members of the Italian and Hungarian minorities to use their own language, are not charged against them (even if they are not defendants).</p>
		<p>b) There are no legally provided deadlines, court interpreters must provide a translation in the deadline ordered by the judge running the proceedings. As stated by practitioners translators act really quickly, since they want such a job and to make a good impression. For shorter documents the deadline the judges give is three days and for longer documents five to seven days. For</p>

⁷⁰ Slovenia, criminal law judge at the Ljubljana District Court (*Okrožno sodišče v Ljubljani*).

		essential documents needed for defendants in detention the deadlines are even shorter: up to one day. ⁷¹
2.2	How do the competent authorities ascertain whether oral translation or oral summary of essential documents may be provided instead of a written translation? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	<p>During criminal proceedings, the court may decide, as an exception to the general rule that all essential documents must be translated in writing, that only an oral translation of certain parts of essential documents is to be provided (Article 8(1) CPA). The criteria is whether they are relevant for the defendants' understanding of their criminal case or for their potential use of legal remedies under the CPA (Article 8(1) CPA). In practice the course of the procedure at the main hearing is translated orally, including when judges read written evidence aloud.⁷² This is a problem, as defendants are thus not aware of the existence of such evidence beforehand and do not have the time to prepare a counter-argument (a good defence).⁷³</p> <p>When a person is being deprived of liberty, they must be immediately informed, orally and in writing, in their maternal language or in a language which they understand, of their rights including their right to interpretation and translation (Article 4(1, 5) CPA). The text is expressly prescribed in Appendix 1 to the CPA,⁷⁴ stating under point C: 'If you do not speak or understand the language of the police or other authorities you have the right to an interpreter free of charge. The interpreter may assist you in conversing with your legal counsel and must keep the contents of the conversation confidential. You have the right to translation of at least the relevant passages of essential documents, including any judicial decision on the deprivation of liberty (apprehension and arrest), charges filed and judgement. In some cases, you may be provided with an oral translation or summary.' As explained in the 'Additional guidelines on the implementation of CPA-M' (<i>Dodatne usmeritve ob uveljavitvi ZKP-M</i>)⁷⁵ a court interpreter must be provided in 48 hours, so to provide</p>

⁷¹ Slovenia, magistrate at the Ljubljana District Court (*Okrožno sodišče v Ljubljani*).

⁷² Slovenia, criminal law judge at the Ljubljana County Court (*Okrajno sodišče v Ljubljani*).

⁷³ Slovenia, criminal law judge at the Ljubljana County Court (*Okrajno sodišče v Ljubljani*).

⁷⁴ Slovenia, Appendix 1: Notice of the rights of a person deprived of liberty (*Priloga 1: Obvestilo o pravicah osebe, ki ji je odvzeta prostost*), 5 December 2014, available at: www.uradni-list.si/files/RS_-2014-087-03503-OB-P001-0000.PDF#!/pdf, is an essential part of the CPA as stipulated in Article 4(5), since the adoption of the Act Amending the Criminal Procedure Act (CPA-M) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku, ZKP-M*), 5 December 2014, available at: www.uradni-list.si/1/objava.jsp?sop=2014-01-3503.

⁷⁵ Slovenia, representative of the Criminal Police Directorate (*Uprava kriminalistične policije*), *Dodatne usmeritve ob uveljavitvi ZKP-M* ('Additional guidelines on the implementation of CPA-M'), 13 March 2015 (the guidelines are not legally binding, they are an internal decree, but offer an insight into police practice, as police officers must abide them in performing their duties, also not publicly available).

		<p>the suspect with an oral translation of all documents related to the decision on detention and relevant for his possible appeal on this decision and assist in communication with the detained person's legal counsel. This applies whenever detention lasts for more than six hours (as stipulated in Article 157(6) CPA). How the new provisions work out in practice is not yet clear, as Amendment CPA-M came into force just recently in March 2015. A request for information on relevant issues in practice was sent to all the police directorates and police stations in Slovenia, most of which replied that they had not dealt with a case where the need for a court interpreter arose in this short time period.⁷⁶ As explained by Ms Petra Recek, Senior Investigating Criminal Inspector – Specialist, given that in detention the time frame is quite short (48 hours before being brought before a pre-trial investigating judge), it is most likely that in practice mostly oral translation of essential documents will be provided.⁷⁷</p> <p>All suspects, not only those deprived of liberty have the right to use their own language during all investigative police actions (as provided by Article 8(1) CPA). Article 148(4) CPA stipulates that before conducting police questioning the police must inform suspects of their right to have present a legal counsel of their own choosing and their right to use their own language (meaning to be provided with the assistance of a registered court interpreter, as elaborated in the 'Additional guidelines on the implementation of CPA-M' (<i>Dodatne usmeritve ob uveljavitvi ZKP-M</i>)). The Additional Guidelines also emphasize that suspects have the right to assistance from a court interpreter not only during the investigative action, but also in <u>their preparation</u> for such an action. However, in cases when a suspect <u>is not deprived of liberty</u>, the legislation, neither the Additional guidelines do not even expressly provide which documents (or the relevant passages of which documents) suspects have the right to have translated, nor how authorities ascertain whether an oral translation or oral summary of essential documents may be provided (will suffice). How this works in practice is not yet clear, as Amendment CPA-M came into force just recently in March 2015.⁷⁸ A request for information on relevant issues in practice was sent to all the police directorates and police stations in Slovenia, most of which replied that they had not dealt with a case where the need for assistance from court interpreter arose in this short time period.⁷⁹</p>
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⁷⁶ Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

⁷⁷ Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

⁷⁸ Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

⁷⁹ Slovenia, representatives of the General Police Directorate (*Generalna policijska uprava*).

<p>2.3</p>	<p>Please describe procedures in place, if any, to ensure that suspects or accused persons have the right to challenge the decision that no translation is needed? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	<p>Article 8(2) CPA stipulates that defendants and suspects may lodge an objection with the criminal court judge: 1) if they consider that the interpretation or translation is not appropriate because it does not provide for the implementation of the guarantees or rights in pre-trial or criminal proceedings, or 2) if they consider that in order to safeguard them - in addition to oral interpretation of what the defendants or others say, written translation of documents and other written pieces of evidence, that includes essential trial documents such as: the bill of indictment, summons, all decisions to remand the defendant in custody, judgements, decisions on exclusion of evidence and exclusion of judges (as stipulated by Article 8(1) CPA) - interpretation or translation in other cases⁸⁰ should also be provided given the specific circumstances of the case. Such an objection is noted on record of the hearing (Article 82(7) CPA): Denying defendants the right to use their own language in investigative police actions and other judicial actions or at the main hearing, or to follow the course of the main hearing in their language constitutes a violation of the provisions of the criminal procedure act (violation of due process) and is thus a ground to appeal the judgement (Article 371(1)3 CPA). .</p> <p>Since CPA-M came into force in March 2015, if the suspect wishes to exercise this right, court interpreters must also be present during the execution of all investigative police actions, including police questioning (8(1) and 148(4) CPA). If this right was not provided the suspect (defendant) will lodge an objection with the pre-trial judge or criminal court judge (e.g. at the main hearing when evidence is read out loud the defendant or counsel will object that the defendant did not understand what was going on in police questioning). If evidence obtained in police questioning was obtained in breach of the right of interpretation or translation the court will dismiss it as illegally obtained evidence (<i>nedovoljen dokaz</i>).⁸¹</p>
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⁸⁰ What these 'other cases' are is not defined in the provisions of CPA. In the opinion of a criminal court judge, they may include any type of document or evidence relevant to the case, not only essential trial documents, but e.g. any material which will be used as evidence against the defendant in the proceedings or any material defendants may wish to submit to the court in their defence. However case law on this matter is not yet established, as Amendment CPA-M came into force just recently in March 2015.

⁸¹ Slovenia, criminal law judge at the Ljubljana County Court (*Okrajno sodišče v Ljubljani*).

		Yes	No	Brief Description
2.4	Do all documents that the suspected or accused person has to sign during the proceedings have to be translated?		✓	Detained persons are offered to sign the Official note of arrest and detention (<i>Uradni zaznamek o odvzemu prostosti in pridržanju</i>) and the Decision on arrest and detention (<i>Odločba o odvzemu prostosti in pridržanju</i>) which state reasons for deprivation of liberty, date, place, arresting and the rights of which the person was informed. These two documents are not translated. ⁸² .
2.5	Is it possible to waive the right to translation of documents and if so, what form can it have and under which conditions can it be accepted?	✓		Generally said parties, witnesses, suspects and other participants in the proceedings are instructed that they may waive their right to translation or interpretation of a particular investigative and other judicial action or part of the main hearing or certain judicial or other documents only voluntarily and unequivocally, if they know the language in which the proceedings are conducted. The fact that they have been informed of this right, as well as their statements in this regard must be noted in the record (Article 8(3) CPA). Defendants may not waive the right to translation of the documents which have to be translated: charges or indictments, summons, all decisions on the arrest, judgements, court decisions on the exclusion of evidence, on the rejection of motions for evidence and on disqualification of judges (Article 8(1) CPA). It is also not possible to waive the right to translate the documents relating to any deprivation of liberty (Article 9(1) CPA). The right to translation of all other documents (e. g. written documents gathered in house search) can be waived if the judge does not deem that translation is needed to guarantee the rights of defence (e. g. crucial written documents on evidence will always be translated since the judges fear the annulment of the judgement ⁸³).

⁸² Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

⁸³ Slovenia, criminal law judge at the Ljubljana District Court (*Okrožno sodišče v Ljubljani*).

3.	RIGHTS CONCERNING BOTH INTERPRETATION AND TRANSLATION ⁸⁴			
3.1	With regard to use of registers of interpreters and translators in EU Member States:	Yes	No	Brief Description
	a) Do national databases or registers exist for legal translators and interpreters?	✓		The Ministry of Justice (<i>Ministrstvo za pravosodje</i>) runs such a database, ⁸⁵ as stipulated by Article 88(2) of the Courts Act (CA) (<i>Zakon o sodiščih, ZS</i>). ⁸⁶
	b) Do translators and interpreters have to be listed in databases/registers for their services to be used? In other words, is membership/registration mandatory?	✓		For translators or interpreters to work as a court interpreter (<i>sodni tolmač</i>) they need to pass the court interpreter certification exam and be appointed by the Minister of Justice (as provided by Article 93(1) CA and the Rules on court interpreters (RCI) (<i>Pravilnik o sodnih tolmačih</i>)). ⁸⁷ They are then listed and thus registered in the database run by the Ministry of Justice. In cases when a translation is needed for a rare language for which no registered court interpreters exist, the courts may use other translators or interpreters or even native speakers of such rare languages who are not registered. In such a case these translators have to swear before the court that they will translate the questions put to the defendants and their answers with precision. (Article 233 CPA).

⁸⁴ See in particular Art. 5 and relevant recitals of Directive 2010/64/EU.

⁸⁵ The base is available to the public on the website of the Ministry of Justice (*Ministrstvo za pravosodje*), available at: <https://spvt.mp.gov.si/tolmaci.html>.

⁸⁶ Slovenia, Courts Act (*Zakon o sodiščih*), 13 April 1994, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO332.

⁸⁷ Slovenia, Rules on court interpreters (*Pravilnik o sodnih tolmačih*), 5 November 2010, available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=PRAV10034>.

	c) Who has access to these databases?	Brief Description: the database is publicly accessible. ⁸⁸		
	d) Which professional qualifications are needed by: <ul style="list-style-type: none"> • translators and • interpreters in order to be registered in the database?	Brief Description: Conditions are the same for both translators and interpreters. They have to: <ol style="list-style-type: none"> 1. have a university education; 2. have appropriate professional knowledge, practical experience and 3. pass a written and oral exam designed for court translators/interpreters.(Article 93(1) CA). Exceptionally persons without a university education can be appointed as court translators if they master a foreign language for which there is a lack of court translators, because such a language is rarely used in court procedures (93(2) CA). Exams for court translators/interpreters are organised by the Ministry of Justice (<i>Ministrstvo za pravosodje</i>) and consist of: 1. a test of legal knowledge and 2. a test of language knowledge which consists of written and oral translations to Slovenian and from Slovenian to another language (Articles 22-24 RCI). ⁸⁹ In practice these exams are difficult to pass. ⁹⁰		
	e) Are there any requirements in place to ensure the independence of interpreters and translators? If yes, provide a brief overview (for both translators and	✓		There are two mechanisms in place: 1) temporary suspension and dismissal from working as a court interpreter; 2) exclusion from a concrete court proceeding: 1) The Minister of Justice can suspend (temporarily) a certain court translator/interpreter on the motion of the president of a court, or ex officio, ⁹¹ if there is a reasonable risk that the interpreter will abuse his or her appointment, or a reasonable risk of irreparable adverse consequences if the interpreter would continue

⁸⁸ Available to the public on the website of the Ministry of Justice (*Ministrstvo za pravosodje*), available at: <https://spvt.mp.gov.si/tolmaci.html>.

⁸⁹ Slovenia, Rules on court interpreters (RCI) (*Pravilnik o sodnih tolmačih*), 5 November 2010, available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=PRAV10034>.

⁹⁰ Opinion provided by Ms Vesna Brecl from the Judicial Training Centre (*Center za izobraževanje v pravosodju, CIP*) at the Ministry of Justice (*Ministrstvo za pravosodje*) upon request (written response via email received 8 May 2015).

⁹¹ The police have no formal standing to initiate the procedure for suspension of the interpreter. However, the Minister may, ex officio, act on any information that requires the suspension of the interpreter. In this sense, the Police may react if they find that reasons for suspension exist and provide the Minister with any information they may have.

	interpreters).		<p>to work (Article 13 RCI). Suspension may last until a final decision on dismissal is issued (Article 13(2) RCI)..</p> <p>2) Article 44(1) CPA provides that court interpreters may not perform this duty (thus exclude themselves from a concrete case or be excluded⁹² – as stipulated in Article 44 CPA on a motion for exclusion filed by parties in the proceedings (e.g. the defendant, witnesses)) when the following grounds provided in Article 39(1) CPA are present: 1) if they themselves have suffered harm through the criminal offence; 2) if they are married to or live in a domestic partnership with the accused, the defence counsel, the prosecutor, the injured party and their legal representatives or attorneys, or if he is related to the aforesaid persons by blood in direct line at any remove or collaterally up to four removes, or related through marriage up to two removes; 3) if their relationship with the accused, the defence counsel, the prosecutor or the injured party is that of a custodian or a ward, adopter or adoptee, foster parent or foster child; 4) if circumstances exist that give rise to doubts over their impartiality.</p> <p>Since CPA-M came into force in March 2015, if the suspect wishes to exercise this right, court interpreters must also be present during the execution of all investigative police actions, including police questioning (8(1) and 148(4) CPA). The suspect may not enter a motion to the police during the police phase of the investigation (e.g. police questioning) for exclusion of the court interpreter appointed to the case.⁹³ The suspect may file such a motion on the grounds stipulated in Article 39(1) CPA (stated above) later on in the criminal procedure (decision on the motion will thus be taken by the pre-</p>
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⁹² With respect to police questioning, the law is not clear on this matter. What is clear is, that circumstances stipulated in Art. 39 CPA must be observed ex officio by the police before an interpreter is appointed (Art. 233 (4) and 251 CPA). The suspect can request that another interpreter be appointed if the interpreter fails to perform professionally (eg. as a result of bias) and the police may decide to appoint a new interpreter (Art. 258 and 233(4) CPA). Whether or not the suspect may file a motion to exclude an interpreter during police questioning remains unresolved. The suspect may – at a later stage – that due to bias of the interpreter, challenge the judgment of the court or request that his statements be excluded.

⁹³ This was confirmed by Ms Petra Recek, Senior Investigating Criminal Inspector – Specialist (*Višja kriminalistična inšpektorica-specialistka*) at the Criminal Police Directorate (*Uprava kriminalistične policije*) of the General Police Directorate (*Generalna policijska uprava*) in a telephone interview held on 2 July 2015, 13:55-14:30.

				trial or criminal court judge). If evidence obtained in police questioning was obtained in breach of the right of interpretation or translation the court will dismiss it as illegally obtained evidence (<i>nedovoljen dokaz</i>). ⁹⁴
	f) Is access to existing databases provided through the European e-Justice portal ? ⁹⁵ How is this register available to legal counsel and relevant authorities?	✓		The existing database of court interpreters is available on the European e-Justice Portal, but information is available only in Slovenian. ⁹⁶ The database is also publicly accessible on website of the Ministry of Justice. ⁹⁷
	g) Are criminal justice institutions required to use interpreters and translators listed in these registers?	✓		Criminal justice institutions are required to check if there are registered court interpreters (<i>sodni tolmači</i>) available and may only use non-registered interpreters if there are none for a certain language or if they are unavailable (Article 8(4) CPA).
3.2	With regard to other mechanisms/procedures:	Yes	No	Brief Description
	a) Are there other mechanisms or procedures in place to ensure the quality and independence of	✓		Court interpreters are appointed for an indefinite period, but they have to provide to the Minister of Justice proof of at least five new professional training certificates every five years (Article 84(4) CA and 29.a RCI) or else they will be dismissed (point 2 of 89(1) CA). Refresher trainings for court interpreters are organised by Judicial Training

⁹⁴ Information provided by Ljubljana County Court (*Okrajno sodišče v Ljubljani*) criminal law judge Ms Ana Testen, in an interview held on 1 July 2015.

⁹⁵ <https://e-justice.europa.eu/home.do?plang=en&action=home>

⁹⁶ Available at: https://e-justice.europa.eu/content_find_a_legal_translator_or_an_interpreter-116-si-en.do?member=1

⁹⁷ Available at: <https://spvt.mp.gov.si/tolmaci.html>.

	<p>interpretation and translation during the course of the proceedings? Are there any quality checks? Who is responsible for carrying them out?</p>		<p>Centre (<i>Center za izobraževanje v pravosodju, CIP</i>) at the Ministry of Justice (<i>Ministrstvo za pravosodje</i>).⁹⁸</p> <p>11(1) RCI furthermore provides that the Minister of Justice may dismiss court interpreters on the grounds stipulated in 89(1) CA (points 3-6): if they did not perform their duties in due time or dutifully, if they unduly denied the court's request for interpretation or translation twice, if they unduly invoked their status of a court interpreter.</p>
	<p>b) Is there any procedure in place to ensure that suspects or accused persons have the possibility, when interpretation and translation has been provided, to complain about the quality and independence of the interpretation and translation?</p>	<p>✓</p>	<p>Regarding the quality of interpretation or translation, Article 8(2) CPA stipulates that defendants (as well as witnesses and other participants in the proceedings) may lodge an objection with the pre-trial or criminal court judge or criminal court panel of three judges, if they consider that the interpretation or translation is not appropriate, because it does not provide the exercise of the guarantees or rights in pre-trial or criminal proceedings.</p> <p>Regarding the independence of the court interpreter Article 41(1) CPA stipulates that persons accused in criminal proceedings may file a motion with the pre-trial or criminal court judge or criminal court panel of three judges for the exclusion of a court interpreter, if the following grounds provided in Article 39(1) CPA regarding the court interpreter are present: 1) if they themselves have suffered harm through the criminal offence; 2) if they are married to or live in a domestic partnership with the accused, the defence counsel, the prosecutor, the injured party and their legal representatives or attorneys, or if he is related to the aforesaid persons by blood in direct line at any remove or collaterally up to four removes, or related through marriage up to two removes; 3) if their relationship with the accused, the defence counsel, the prosecutor or the injured party is that of a custodian or a ward, adopter or adoptee, foster parent or foster child; 4) if circumstances exist that give rise to doubts over their impartiality. The motion is decided by the judge running the procedure (44(3) CPA).</p>

⁹⁸ Slovenia, representative of the Judicial Training Centre (*Center za izobraževanje v pravosodju, CIP*) at the Ministry of Justice (*Ministrstvo za pravosodje*).

			<p>Regarding the independence of court interpreters that provided assistance to suspects during the execution of investigative police actions, including police questioning (8(1) and 148(4) CPA): the suspect may not enter a motion to the police for exclusion of the court interpreter appointed to the case.⁹⁹ The suspect may file such a motion on the grounds stipulated in Article 39(1) CPA (stated above) later on in the criminal procedure (decision on the motion will thus be taken by the pre-trial or criminal court judge). If evidence obtained in police questioning was obtained in breach of the right of interpretation or translation the court will dismiss it as illegally obtained evidence (<i>nedovoljen dokaz</i>).¹⁰⁰</p> <p>If the suspect/accused files a motion to exclude the appointed court interpreter, the motion must be decided by judge in charge of the procedure, that is a) the investigating judge (during judicial investigation), b) the judge in charge of summary procedure or c) the president of the panel in regular criminal procedure. If such a motion is filed, the interpreter is to cease all his/her activities (Art. 43(1) CPA), pending final decision. If necessary, a new interpreter is appointed immediately (Art. 40(3) CPA).</p> <p>The decision is subject to appeal. The appeal against the decision of investigating judge is decided by a panel of three judges (Art. 402(1) CPA), the appeal against the decisions of a judge in summary procedure is decided by the court of appeals (higher court; Art. 402(1) CPA). If the decision is taken during the main hearing, it may only be challenged by appealing the judgment (Art. 399(3) CPA).</p>
	c) Are there any mechanisms in place that allow for the replacement of the appointed interpreter or a new translation when the quality of the	✓	<p>There are no legal or other mechanisms designed specifically for this purpose. Defendants (as well as witnesses and other participants in the proceedings) may lodge an objection if they consider that the interpretation or translation is not appropriate, because it does not provide the exercise of the guarantees or rights in pre-trial or criminal proceedings(Article 8(2) CPA). If the court accepts such a complaint as valid it may replace the court interpreter or a translator, but such a decision is in the discretion of the court. Such an objection is noted on record of the hearing (Article 82(7) CPA). Denying defendants the right to use their own language in</p>

⁹⁹ Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

¹⁰⁰ Slovenia, criminal law judge at the Ljubljana County Court (*Okrajno sodišče v Ljubljani*).

	interpretation or the independence of the interpreter is considered insufficient? If yes, briefly provide information.			investigative and other judicial actions or at the main hearing, or to follow the course of the main hearing in their language constitutes a violation of the provisions of the criminal procedure act (violation of due process) and is thus a ground to appeal the judgement (Article 371(1)3 CPA). There is no other remedy to challenge such a decision.
3.3	Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable accused persons which affect their ability to communicate effectively? ¹⁰¹ If yes, briefly provide information on those mechanisms considering the following vulnerable groups:	✓		The Judicial Training Centre (<i>Center za izobraževanje v pravosodju, CIP</i>) at the Ministry of Justice (<i>Ministrstvo za pravosodje</i>) organizes special training courses for court interpreters for people with hearing impairments. ¹⁰²
	a) suspect or accused persons with physical impairment or disability;	✓		The Judicial Training Centre (<i>Center za izobraževanje v pravosodju, CIP</i>) at the Ministry of Justice (<i>Ministrstvo za pravosodje</i>) organizes special training courses for court interpreters for people with hearing impairments. ¹⁰³

¹⁰¹ See in particular recital 27 of Directive 2010/64/EU.

¹⁰² Slovenia, representative of the Judicial Training Centre (*Center za izobraževanje v pravosodju, CIP*) at the Ministry of Justice (*Ministrstvo za pravosodje*).

¹⁰³ Slovenia, representative of the Judicial Training Centre (*Center za izobraževanje v pravosodju, CIP*) at the Ministry of Justice (*Ministrstvo za pravosodje*).

	b) suspect or accused persons with intellectual impairment or disability;		✓	
	c) i) children who are suspects/defendants, and/or ii) holders of parental responsibility (please distinguish between the two).		✓	
3.4	Is there any recording procedure to note that interpretation and translation have occurred and in which form? ¹⁰⁴ If yes, briefly provide information on how this procedure is organised in practice.	✓		<p>Firstly, there has to be a written decision of a police officer, investigating judge or a trial judge that the court interpreter/other translator has been appointed, which is noted in the police or judicial file (Article 8(1)(4) CPA). Secondly, there is always a note in the record about who is present at a certain phase of the procedure (e. g. investigative hearing, main hearing) as stipulated in Article 80(1) CPA), but there is no note in the record on which parts of the hearing (e. g. interrogation) have been orally interpreted. Judges see this as a flaw since it is not possible to see from the record exactly which part of the procedure was interpreted.¹⁰⁵</p> <p>Regarding translation of essential documents in police proceedings a practice has not yet been established as CPA-M has been in force only since March 2015.¹⁰⁶</p>

¹⁰⁴ See in particular Art. 7 and relevant recitals of Directive 2010/64/EU.

¹⁰⁵ Slovenia, criminal law judge at the Ljubljana County Court (*Okrajno sodišče v Ljubljani*).

¹⁰⁶ A request for information on relevant issues in practice was sent to all the police directorates and police stations in Slovenia, most of which replied that they had not dealt with a case where the need for a court interpreter arose in this short time period.

SECTION B: RIGHT TO INFORMATION IN CRIMINAL PROCEEDINGS

1. PROVISION OF INFORMATION ON THE PROCEDURAL RIGHTS ¹⁰⁷	Brief Description
1.1	<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) What information is provided?</p> <p>b) How is it provided (e.g. orally or in writing)?</p> <p>c) What is the timeframe (deadline) for providing information at each stage of the proceedings?</p> <p>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.¹⁰⁸</p>
- police questioning;	<p>a)</p> <p>Apprehended suspects are informed about:¹⁰⁹</p> <ul style="list-style-type: none"> - the reasons for their apprehension (Art. 4 (1) and 157 (3) CPA); - the right of access to a lawyer: Art. 157 (3) CPA; - entitlement to free legal advice and the conditions for obtaining such advice: Art. 157 (3) CPA, in connection to Art. 148 (4) and Art. 4 (4) CPA; - the nature and scope of the accusation: Art. 157 (3) CPA (in connection to Art. 148 (4) CPA); - the right to interpretation and translation: Art. 157 (3) in connection to Art. 4(1) and Art. 48 (4) CPA; - the right to remain silent: Art. 157 (3) CPA, in connection to Art. 148 (4) CPA. <p>Relating to (informal) police questioning,¹¹⁰ all suspects (apprehended and not apprehended) are informed about:</p>

¹⁰⁷ See in particular Article 3 and relevant recitals of Directive 2012/13/EU.

¹⁰⁸ Slovenia, defence lawyer.

¹⁰⁹ Apprehended suspects receive this information regardless of whether they are being questioned/interrogated.

		<ul style="list-style-type: none"> - the right of access to a lawyer: Art. 148 (4) CPA; - the nature and the scope of the accusation: yes, Art. 148 (4) CPA¹¹¹ - the right to interpretation and translation: yes, Art. 148 (4) CPA, in connection to Art. 8 (3) CPA - the right to remain silent: yes, Art. 148 (4) CPA. <p>Suspects who have not been arrested, are not entitled to free legal advice at this point.</p> <p>Relating to (formal) police interrogation,¹¹² all suspects (apprehended and not apprehended) are informed about:</p> <ul style="list-style-type: none"> - the right of access to a lawyer: police interrogation may proceed only if the defence lawyer is present (Art. 148a CPA); - the nature and the scope of the accusation: Art. 148 (4) CPA; - the right to interpretation and translation: Art. 148 (4), in connection to Art. 8 (3) CPA - the right to remain silent: Art. 148 (4) CPA. <p>Suspects who have not been arrested, are not entitled to free legal advice at this point.</p>
		<p>b)</p> <p>To apprehended suspects, the following information is provided:¹¹³</p> <ul style="list-style-type: none"> - the right of access to a lawyer: in writing - Letter of Rights (Art. 4(5) CPA); - entitlement to free legal advice and the conditions for obtaining such advice: in writing - Letter of Rights (Art. 4(5) CPA); - the nature and the scope of the accusation: orally, Art. 157 (3), in connection with Art. 148 (4) CPA, and in writing, when issued with a decision on police detention (if it exceeds 6 hours), specifying the reasons for the arrest (Art. 157(6) CPA);

¹¹⁰ Informal police questioning results in a statement that is obtained from a suspect who was properly informed of his rights, but has either waived his right to a defence lawyer or the lawyer failed to show in due time. The result of informal questioning is an official note (Art. 148(4) CPA), that may not be used in evidence at the main hearing or referred to in a judgment. There is, however, no provision for exclusion of the official note from the court file and the judge is acquainted with its contents.

¹¹¹ Slovenia, defence lawyer. The information about the scope and the nature of the accusation, provided by the police, is limited. Typically, they provide the legal designation of the offence and describe the event in question. The suspect is not provided with particularities of the offence.

¹¹² Police interrogation: in 2003, the police have been given the power to formally interrogate suspects, provided that a defence lawyer is present (Art. 148A CPA). This line of obtaining statements results in a formal record of suspect's statements and may be used in evidence at the main hearing.

¹¹³ Slovenia, defence lawyer. The actual conduct of the police when apprehending a suspect could not be confirmed. A defence lawyer is typically not present at the moment the suspect is apprehended. Police do, however, orally explain the right prior to police questioning or police interrogation.

<p>- the right to interpretation and translation: in writing - Letter of Rights (Art. 4(5) CPA); - the right to remain silent: in writing - Letter of Rights (Art. 4(5) CPA); In exceptional cases, when no Letter of Rights is available in suspect's mother tongue or in a language he understands, the suspect is informed of his rights orally, in a language he understands, and a written notifications must be provided without undue delay (Art. 4 (5) CPA).</p> <p>In case of (informal) police questioning, the following information is provided to all suspects (apprehended and not apprehended):</p> <ul style="list-style-type: none"> - the right of access to a lawyer: orally (Art. 148(4) CPA); - the nature and the scope of the accusation: orally (Art. 148(4) CPA); if a non-apprehended suspect is summoned to appear before the police, the suspect must be informed why he is being summoned to appear (Art. 148(3) CPA); - the right to interpretation and translation: orally (Art. 148(4) CPA); - the right to remain silent: orally (Art. 148(4) CPA); <p>Suspects who have not been arrested are not entitled to free legal advice at this point. Such information is only provided to apprehended suspects, in writing (see above).</p> <p>In the case of (formal) police interrogation, the following information is provided to all suspects (apprehended and not apprehended):</p> <ul style="list-style-type: none"> - the right of access to a lawyer: police interrogation may proceed only if the defence lawyer is present (Art. 148a CPA); - the nature and the scope of the accusation: orally (Art. 148(4) CPA); if a non-apprehended suspect is summoned to appear before the police, the suspect must be informed why he is being summoned to appear (Art. 148(3) CPA); - the right to interpretation and translation: orally (Art. 148(4) CPA); - the right to remain silent: orally (Art. 148(4) CPA). <p>Suspects who have not been arrested, are not entitled to free legal advice at this point. Such information is only provided to apprehended suspects, in writing (see above).</p>
<p>c) To apprehended suspects, the following information is provided:¹¹⁴</p>

¹¹⁴ Actual police conduct could not be confirmed. Please see above.

		<ul style="list-style-type: none"> - the right of access to a lawyer: immediately, at the moment of apprehension (Art. 157(3) and 4(1) CPA) - entitlement to free legal advice and the conditions for obtaining such advice: immediately, at the moment of apprehension (Art. 157(3) and 4(1) CPA); - the right to be informed of the accusation: immediately, at the moment of apprehension (Art. 157(3) and 4(1) CPA); - the right to interpretation and translation: immediately, at the moment of apprehension (Art. 157(3) and 4(1) CPA); - the right to remain silent: immediately, at the moment of apprehension (Art. 157(3) and 4(1) CPA). <p>In case of (informal) police questioning (all suspects, apprehended and not apprehended):</p> <ul style="list-style-type: none"> - the right of access to a lawyer: before the questioning commences (Art. 148 (4) CPA); - the right to be informed of the accusation: before the questioning commences (Art. 148 (4) CPA); - the right to interpretation and translation: before the questioning commences (Art. 148 (4) CPA); - the right to remain silent: before the questioning commences (Art. 148 (4) CPA). <p>In case of (formal) police interrogation (all suspects, apprehended and not apprehended):</p> <ul style="list-style-type: none"> - the right of access to a lawyer: police interrogation may proceed only if the defence lawyer is present (Art. 148a CPA); - the right to be informed of the accusation: before the interrogation commences (Art. 148 (4) CPA); - the right to interpretation and translation: before the interrogation commences (Art. 148 (4) CPA); - the right to remain silent: before the interrogation commences (Art. 148 (4) CPA).
	<p>- court hearings;</p>	<p>a)</p> <p>Under Art. 227 (2) CPA, applicable to any court interrogation of the accused, the accused must be informed about:</p> <ul style="list-style-type: none"> - the right of access to a lawyer (before the accused is interrogated for the first time, Art. 67(2) CPA); the CPA does not require that the information be repeated, if interrogated on multiple occasions on the same matter); - the scope and nature of the accusation (before the accused is interrogated for the first time, Art. 5(1) CPA); the CPA does not require that the information be repeated, if interrogated on multiple occasions on the same matter)

- the right to remain silent (see also Art. 321(5) CPA, before the accused decides whether to reply to the charges).

With respect to the right to interpretation and translation, the accused must be informed of the right under Art. 8 (3) CPA. The CPA does not require that the accused/suspect be informed that the interpretation/translation is “free”. However, it does specify, that the suspect/accused does not bear the costs of a translator/interpreter (Art. 8(3) and 8(6) CPA).

In addition, the accused must be informed of the right of access to a lawyer:

- when summoned to appear before the court for the first time (Art. 193(3) CPA);
- when summoned to appear before the investigative judge (Art. 169(5) CPA);
- when summoned to appear at the pre-trial hearing (Art. 285a/3 CPA);
- when summoned to appear at the main hearing (Art. 288 CPA, in connection to Art. 193 CPA).

Furthermore, the accused must be informed about the scope and nature of the accusation:

- when the prosecutor, at a court hearing, requests custodial detention (Art. 204a CPA) and when the suspect is served with a decision on custodial detention (Art. 202(2) CPA);
- when served with prosecutor's request to open judicial investigation (Art. 169(9) CPA) or with a decision to open judicial investigation (Art. 169(1) CPA);
- when served with an indictment in regular (Art. 269 CPA) or summary proceedings (Art. 434(1) CPA);
- at the beginning of the main hearing, when the charges are presented (Art. 321 CPA).

With respect to any entitlement to free legal advice and the conditions for obtaining such advice, there are no specific provisions in the CPA concerning the duty to provide such information. Under Art. 14 CPA, however, the court has a general obligation to inform the accused about his rights and the consequences if the accused fails to exercise those rights.

b)

During court interrogation, the information is provided orally (Art. 227/2 CPA). This also applies to the right to interpretation/translation.

Regarding the right of access to a lawyer, the accused must be informed in writing:

- when summoned to appear before the court for the first time (Art. 193(3) CPA);

		<ul style="list-style-type: none"> - when summoned to appear before the investigative judge (Art. 169(5) CPA); - when summoned to appear at the pre-trial hearing (Art. 285a/3 CPA); - when summoned to appear at the main hearing (Art. 288 CPA, in connection to Art. 193 CPA). <p>Regarding any information about the scope and the nature of the accusation, the accused must be informed in writing about the nature of the accusation (the legal designation of the charges) whenever summoned to appear before the court (Art. 193 CPA).</p> <p>In addition, the suspect / the accused must be informed in writing about the accusation:</p> <ul style="list-style-type: none"> - when prosecutor requests custodial detention (Art. 204a CPA) and when the suspect is served with a decision on custodial detention (Art. 202(2) CPA); - when served with prosecutor's request to open judicial investigation (Art. 169(9) CPA) or with a decision to open judicial investigation (Art. 169(1) CPA); - when served with an indictment in regular (Art. 269 CPA) or summary proceedings (Art. 434(1) CPA). <p>At the main hearing, the charges are presented to the accused orally (Art. 321 CPA).</p>
		<p>c)</p> <p>The information must be provided before any court hearing commences (applies to right to interpretation/translation as well).</p> <p>The CPA does not provide for specific time frame that should be observed when providing the information to the suspect/accused. It is possible, however, to conclude that:</p> <ul style="list-style-type: none"> - under Art. 227 CPA, any information must be provided orally, at a hearing, after the accused has been questioned about his/her personalia, and before he/she is called upon to give his/her statement; - written information, provided in the summons to appear at pre-trial hearing or at the main hearing, must be provided to the accused at least 8 days before the day of the hearing (3 days in summary procedure), or more if necessary to enable the accused to prepare his defence. The deadline may be cut short with consent of the accused (Art. 288(3) and 439(3) CPA).
	<p>- any necessary</p>	<p>a)</p> <p>In the case of hearings at the state prosecutor's office (Art. 163a CPA), concerning diversion</p>

	interim hearings;	<p>mechanisms (settlement under Art. 161a CPA and conditional suspension of prosecution under Art. 162 CPA), filing a penal order (Art. 445a CPA) or concluding a plea agreement (Art. 450a CPA), the suspect is presented with a crime report.¹¹⁵</p> <p>If the public prosecutor summons the suspect to appear in order to decide on conditional suspension of prosecution (under Art. 162 CPA), the summons must include:¹¹⁶</p> <ul style="list-style-type: none"> - a brief description of the offence; - legal designation of the offence; - information about the right to a defence lawyer. <p>The decision of the state prosecutor to deal with the case through settlement or conditional suspension of prosecution is autonomous and is not subject to judicial review. The penal order and plea agreement are both subject to judicial scrutiny when the court decides about the charges. This court review does not, however, extend to the manner in which the hearing under Art. 163a CPA was conducted.</p> <p>The right to be informed about the right to interpretation/translation does not apply to hearings under Art. 163a CPA. The legislative proposal of the amendments to CPA¹¹⁷ provides no explanation why no such right has been explicitly conferred to this hearing. Directive 2010/64/EU has been implemented with respect to investigative acts (including police questioning and interrogation) and court hearings. The hearing under Art. 163a CPA is not investigative in nature and does not amount</p>
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¹¹⁵ The CPA contains only provisions on police crime report (Art. 148(9) CPA). In the crime report, the police must set out evidence discovered in the process of gathering information, but must not include the contents of statements of individual persons in the information gathering process. Along with the report, the items, sketches, photographs, reports received, records of the measures and actions undertaken, official annotations, statements and other material which may be useful for the successful conducting of proceedings, must be provided. The General State Prosecutor's General Instruction on handling anonymous, pseudonymous and harassing crime reports and reports against unknown perpetrators (*Splošno navodilo o obravnavanju anonimnih, psevdonimnih in šikanoznih ovadb in ovadb zoper neznane storilce*, available at <http://www.dt-rs.si/uploads/documents/zakonodaja/ovadbe.pdf>) defines a crime report as "any statement, regardless of its title or form, that contains specific allegations of a criminal offence, prosecuted ex officio." It is irrelevant whether the allegations are supported by evidence; the decisive factor is the specificity of relevant facts relating to the elements of a criminal offence (Art. 1 of the General Instruction).

¹¹⁶ These rights are not a matter of regulation in the CPA. They have been stipulated by the General State Prosecutor's General Instruction on uniform application of Art. 162 CPA concerning conditional suspension of prosecution (*Splošno navodilo za enotno uporabo določb 162. člena Zakona o kazenskem postopku o odložitvi kazenskega pregona*), available at www.dt-rs.si/uploads/documents/zakonodaja/odlozen_pregon.pdf, . Such general instructions are binding in nature.

¹¹⁷ Proposal for amendments to Criminal Procedure Act (*Predlog Zakona o spremembah in dopolnitvah Zakona o kazenskem postopku*), available at [http://vrs-3.vlada.si/MANDAT14/VLADNAGRADIVA.NSF/71d4985ffda5de89c12572c3003716c4/2748b378ff65b168c1257d73001e40ba/\\$FILE/ZKP-M_vrs_15_10_14.pdf](http://vrs-3.vlada.si/MANDAT14/VLADNAGRADIVA.NSF/71d4985ffda5de89c12572c3003716c4/2748b378ff65b168c1257d73001e40ba/$FILE/ZKP-M_vrs_15_10_14.pdf).

		<p>to a questioning/interrogation of a suspect. However, in case of plea agreement negotiations, the CPA requires that the public prosecutor informs the suspect about his rights under Art. 148(4) CPA, including the right to interpretation/translation (Art. 450a (1) CPA).</p> <p>If - before the opening of court proceedings - the state prosecutor proposes plea agreement negotiations (Art. 450a CPA), the suspect must be informed about the description of the offence and the legal designation of the offence, in writing. If the suspect has not yet been questioned, the prosecutor must also inform the suspect about his rights under Art. 148(4) CPA (the right to silence, the right to a defence lawyer, the right to interpretation and translation). There are no provisions as to the form in which the suspect is informed about his rights and it may be given orally.</p> <p>b) In case of a hearing under Art. 163a CPA, the crime report is presented in writing. The summons for purposes of conditional suspension of prosecution must be in writing.</p> <p>The proposal for plea agreement negotiations must include information about the offence, in writing, while the information about the suspect's rights may be provided orally.</p> <p>c) The information must be provided at the hearing, before any statements are made by the suspect.</p>
	<p>- any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings?</p>	<p>a) No provisions exist on providing information about rights under Art. 3 of the Directive.</p> <p>b) No provisions exist on providing information about rights under Art. 3 of the Directive.</p> <p>c) No provisions exist on providing information about rights under Art. 3 of the Directive.</p>

1.2	Do authorities provide information about any other procedural rights (apart from those established in Article 3 of the Directive)? If yes, briefly provide information.	<p>Apprehended suspects are informed about the right to have police notify his relatives or those close to him about his apprehension (Art. 4 (1) and Art. 208 CPA).</p> <p>The accused who is summoned to appear before the investigative judge is informed about his right to make a statement on all the facts and evidence which incriminate him and to state all the facts and evidence in his favour (Art. 5 CPA).</p> <p>When summoned to appear at pre-trial hearing (Art. 285a CPA), to enter his/her plea, the accused is informed:</p> <ul style="list-style-type: none"> - of the possibility to enter a plea of guilty or a plea of not guilty; - of the right, in case of a no-guilty plea, to request the exclusion of evidence and the exclusion of the presiding judge, to request that evidence in his favour be heard and to make other procedural motions.
2.	LETTER OF RIGHTS¹¹⁸	Brief Description
2.1	What rights does the letter of rights provide information about? What information is included in the letter of rights when children are arrested or detained?	<p>The letter of rights provides information about:</p> <ul style="list-style-type: none"> - the right to a defence lawyer; - the right to information about the suspicions or accusations; - the right to interpretation and translation; - the right to silence; - the right to access to materials; - the right to request that family members, employer or consulate / embassy of the suspect's country be informed; - the right to emergency medical assistance; - the right to have a written decisions issued, if police detention lasts more than 6 hours, and the right to appeal the decision on detention. <p>Apart from a general right to have family members informed about the suspect's apprehension, no specific provisions with respect to apprehended children are included in the letter of rights.</p>

¹¹⁸ See in particular Article 4 and relevant recitals of Directive 2012/13/EU.

2.2	At what stage of the proceedings is the letter of rights provided? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners. ¹¹⁹	The letter of rights is provided only in case of arrest (Art. 4(5) CPA). ¹²⁰
2.3	Is the letter of rights drafted in simple and accessible language? How do competent authorities verify whether the language is simple and accessible enough for the suspects or accused persons and/or that the suspects or accused persons understand	<p>The Slovenian version of the letter of rights is drafted in simple and accessible language. The letter is well-structured, with simple (sub)titles and readable letters. The language appears simple, with few specific legal terms. To date, there has been no empirical, theoretical or practical evaluation of the language used in the letter of rights. The wording of the letter has been assessed by authors of the report. We are unable to provide any other source relating to the language of the letter.</p> <p>There is no prescribed method on how the police officers verify that the suspect understood the language. They are, however, required to determine, whether the suspect understands the language in which the letter is drafted (Art. 4(5) CPA).</p> <p>The Slovenian version very much corresponds to the model letter in the Directive. There is no separate, country-specific English translation of the Directive's letter of rights.</p>

¹¹⁹ Slovenia, defence lawyer.

¹²⁰ Slovenia, defence lawyer. It is difficult to ascertain if the letter of rights is being used. The defence lawyer observed that the issue is almost never debated. The defence lawyer is typically not present at the moment of the arrest.

	<p>the language? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners. 121</p>	
<p>2.4</p>	<p>Please provide an existing example of a model letter of rights that is being used in 'everyday' cases, and also an existing example of a letter of rights that is being used with respect to the European arrest warrant (in the original language and the English translation). Please include any other letter of rights in other languages that may</p>	<p>The letter of rights, published in the Official Gazette, corresponds to the model letter in the Directive 212/13/EU. It is a direct translation of the model letter, with the exception of its final paragraph that contains country-specific information about the period of detention (48 hrs) and about further procedure.</p> <p>The content of the letter of rights, published on the police website, is very much different. First, it is general in nature, that is, it applies not only to apprehension under the CPA, but also to other situations where the police are competent to arrest a person. Second, it includes some information on the treatment of arrested persons (eg. the right to rest, meals, access to drinking water, respect for privacy and dignity). Third, the letter includes information about the right to communicate with other persons, e.g. the ombudsman and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment). Fourth, it provides details on the manner in which the confidentiality of client-lawyer is respected. In other respects, the content very much corresponds to the Directive's model letter.</p> <p>Developments after March 2015:¹²²</p> <p>After the implementation of amendments to CPA and the start of their application in March 2015, the police drafted a new letter of rights (hereinafter: Letter 2015). Letter 2015 consists of three parts:</p> <p>1. general part, applicable to all instances of apprehension under Slovenian law that are within the competence of the police.</p>

¹²¹ Slovenia, defence lawyer. Since the amendments implementing the Directive apply only since March 2015. There has been no practical, theoretical or empirical feed-back about the wording of the model letter.

¹²² Slovenia, representative of the General Police Directorate (*Generalna policijska uprava*).

<p>exist in your country (including their English translations).</p>	<p>This general part includes information on:</p> <ul style="list-style-type: none"> - the right to silence, - the right to the legal assistance - the right to be informed about the reasons for the apprehension, in person's mother tongue or in a language she understands; - the right to have the family of the person informed about her apprehension; - the right to have consular authorities informed about the apprehension; - the right to confidential communication with a lawyer of her choice. <p>This information is entirely applicable to suspects apprehended in criminal procedure under the provisions of the CPA.</p> <p>2. the second part is specific, drafted for the purposes of apprehension of suspects in criminal procedure.</p> <p>In this part, additional information is available about:</p> <ul style="list-style-type: none"> - the right to free interpretation/translation; - the right to free legal assistance by a lawyer; - the right to be brought before the investigative judge no later than 48 hours after the arrest, for a decision on further deprivation of liberty; - the obligation of the police to provide the suspect with an official note (informing the suspect about reasons for arrest and containing information about the manner in which the rights of the suspect have been observed), if detention does not exceed 6 hours; - the obligation of the police to issue a decision on detention, if detention exceeds 6 hours, informing the suspect about the right to challenge the decision before a panel of the competent district court and about the right to access the relevant materials to file the appeal, including the reasons for denying access to the materials. <p>This part applies specifically to suspects apprehended in criminal procedure.</p> <p>3. final part that includes information about the detention regime and includes information about:</p>
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		<ul style="list-style-type: none"> - the right to medical assistance; - the right to confidential communication with competent state bodies (eg. the ombudsman) and competent international organisations; - the right to 8 hours of uninterrupted rest per day (24 hrs); - the right to food and potable water; - the prohibition of torture, inhuman or degrading treatment; - the right to personal security and dignity; - the powers of the police to apply force only when necessary (proportionate) and according to applicable legal provisions. <p>This, final part, applies in general to all instances of deprivation of liberty in the competence of the police, including apprehension under the CPA.</p> <p>In short, since 2015 the police has been using a unified letter of rights, merging both letter from 2009 and the model letter under the Directive (as implemented by the CPA).</p> <p>The letter 2015 is drafted in 24 languages. The Slovenian version is attached to this revised report.</p> <p>By virtue of Art. 2(3) of Cooperation in Criminal Matters with the Member States of the European Union Act,¹²³ the requirements of Art. 4(5) CPA apply <i>mutatis mutandis</i> to EAW proceedings. Under Art. 19 of the Cooperation in Criminal Matters Act, the requested person must be informed about the reasons for the arrest (that is, the execution of the EAW), which state requested his/her surrender and the reasons for the request. The person must be informed about the right to silence, the right to a defence lawyer and the right to have family members informed about the arrest. If the arrested person is not a Slovenian citizen, he/she must also be informed of the right to inform the embassy or consular authority.</p> <p>The Cooperation in Criminal Matters Act does not specifically request that the requested person be informed about the above-mentioned rights in writing. However, by virtue of Art. 2(3) of the Act the</p>
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¹²³ Slovenia, Cooperation in Criminal Matters with Member States of the European Union Act (*Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske unije*) 4 June 2013, available at <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6513>.

		information must be provided in writing. However, no letter of rights has yet been drafted. It appears that no such letter of rights is used in practice at the time of writing this report. ¹²⁴
3.	RIGHT TO INFORMATION ABOUT THE ACCUSATION¹²⁵	Brief Description
3.1	What information is provided to the suspects or accused persons regarding what they have been accused of and how is it provided (e.g. orally or in writing)	<p>A. In pre-trial procedure, the following information is provided:</p> <ol style="list-style-type: none"> 1. only to apprehended suspects: reasons for his/her arrest, orally upon arrest and in writing when issued with a decision (on police detention) if detention exceeds 6 hours (Art. 157 (3) and (6) CPA). The reasons must state the legal designation of the offence and the (factual) grounds for suspicion.¹²⁶ 2. to both apprehended and non-apprehended suspects: with information about the nature and scope of suspicions, orally, before commencing informal police questioning or formal interrogation (Art. 148(4) CPA). The information must provide about both legal designation (the nature of suspicions) and factual grounds for suspicion (known facts of the offence).¹²⁷ 3. to non-apprehended suspects: with information about the nature and scope of suspicion, in writing, when summoned to appear before the police for questioning (Art. 148(3) CPA). <p>B. before the initiation of judicial investigation:</p> <p>The accused is notified of the accusations in writing (when served with the prosecutor's request that the investigation is opened).</p> <p>The prosecutor's request must include: the description of the act which indicates elements of a</p>

¹²⁴ Slovenia, defence lawyer.

¹²⁵ See in particular Article 6 and relevant recitals of Directive 2012/13/EU.

¹²⁶ Štefan Horvat, Criminal Procedure Act with Comments (*Zakon o kazenskem postopku s komentarjem*), GV Založba, Ljubljana, 2004, p. 23 and p. 357.

¹²⁷ Štefan Horvat, Criminal Procedure Act with Comments (*Zakon o kazenskem postopku s komentarjem*), GV Založba, Ljubljana, 2004, p. 313. In practice, it appears that the police do not state the particularities of the offence. Instead, they provide reference to the events in question.

		<p>criminal offence, the statutory designation of the criminal offence, the circumstances warranting the suspicion of a criminal offence, and evidence already collected (Art. 168 (2) CPA).</p> <p>C. before the initiation of the main hearing:</p> <p>The accused is notified in writing (when served with the indictment). The indictment must include: description of the act evincing that it falls within the statutory definition of a criminal offence, the time and place of commission of the criminal offence, the object upon which and the instrument by which the criminal offence was committed, and other circumstances necessary to determine the criminal offence with precision; the statutory name of the criminal offence with an indication of the provisions of the criminal law which, pursuant to the motion of the public prosecutor, are to be applied (Art. 269 and 434 CPA).</p> <p>Additionally, charges are presented to the accused orally at the start of the main hearing (Art. 321 CPA).</p> <p>D. before commencing plea bargaining:</p> <p>The prosecutor is required to present the suspect / the accused with a description of the offence and legal designation (Art. 450a CPA), in writing.</p>
3.2	<p>At which stage of the proceedings is the information provided?</p> <p>Please cross-check findings from the desk research by consulting relevant organisations</p>	<p>The suspects / accused persons are informed about the scope and nature of suspicions before or during all of the stages of criminal procedure:</p> <p>a) in pre-trial procedure</p> <ul style="list-style-type: none"> - to apprehended suspects: upon or during the arrest (Art. 157(3) and (6) CPA);¹²⁹ - to apprehended and non-apprehended suspects: before informal police questioning or formal police interrogation (Art. 148(4) CPA); - to apprehended suspects: when deciding about custodial detention (Art. 202 and 204a CPA), before the court hearing commences; - when served with a court order for search of premises or a search of a person that must contain

	<p>and/or practitioners.¹²⁸</p>	<p>facts on which suspicion is grounded.¹³⁰</p> <p>b) relating to judicial investigation, regardless of whether suspects are apprehended or not: - when served with a prosecutor's request to open judicial investigation (Art. 169(9) CPA), before the court decides whether to open judicial investigations (Art. 169 CPA), and when served with a decision to open the judicial investigation (Art. 169(1) CPA)</p> <p>c) relating to the main hearing, , regardless of whether suspects are apprehended or not: - when served with an indictment in regular (Art. 269 CPA) or summary proceedings (Art. 434(1) CPA), before the court decides whether to open the main hearing (Art. 273 and 439 (2) CPA), and at the beginning of the main hearing (Art. 321 CPA).</p>
<p>3.3</p>	<p>How are suspects or accused persons informed when, in the course of the criminal proceedings, the details of the accusation change?</p>	<p>The accusations may change:</p> <ul style="list-style-type: none"> - during the judicial investigation, if a new criminal offence comes to light (extension of investigation), or - during the main hearing, if the existing accusation needs to be amended or if a new criminal offence comes to light. <p>In case of the extension of judicial investigation, same rules apply as in the case of requesting that the investigation be opened. The prosecutor must request for the extension of investigation and the accused must be served with his request (Art. 175(2,3) CPA).</p> <p>In the case of modification of indictment or extension of indictment, the accused is notified orally, at the main hearing. The court may, in order to secure the rights of defence, to adjourn the hearing (Art. 344, 345 CPA).</p>

¹²⁹ Actual police conduct could not be confirmed. See above.

¹²⁸ Slovenia, defence lawyer.

¹³⁰ Slovenia, defence lawyer.

4.	RIGHT OF ACCESS TO CASE MATERIALS ¹³¹	Brief Description
4.1	What material evidence can be accessed by suspected or accused persons (e.g. documents, photographs, audio, video, summaries...)?	As far as the CPA allows for the inspection of relevant materials, no distinction is made between material and other evidence. The provisions of the CPA allow for inspection of all and any relevant evidence on file.
4.2	At what stage of the proceedings is access to case materials granted? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners. ¹³²	In pre-trial procedure: 1. only suspects in police detention have the right to access the materials related to their detention, if the detention exceeds 6 hours, in order to exercise their right to challenge the decision on detention (Art. 157 (6) CPA); the CPA confers no right of non-detained suspects to access materials in the possession of the police (for example, when questioned or interrogated by the police); in these cases, any access to materials is in fact a matter of police discretion; ¹³³ for suspects that have not been apprehended, Art. 73 CPA applies (see 2dn paragraph, <i>infra</i>); 2. apprehended suspects have the right to access the court file in order to exercise the rights of defence before the court decides on custodial detention (Arts. 22 and 29 of the Constitution; judgement of the Supreme Court of the Republic of Slovenia, No. XI Ips 44415/2010-267, 22 June 2010), from the moment the suspect is brought before the investigative judge for interrogation. ¹³⁴

¹³¹ See in particular Article 7 and relevant recitals of Directive 2012/13/EU.

¹³² Slovenia, defence lawyer.

¹³³ Gorkič, Primož (2012), 'Qualitative report: Slovenia' in Schumann, S., (ed.), *Pre-trial emergency defence : assessing pre-trial access to legal advice*, Wien, Intersentia/NWV, pp. 319-350.

¹³⁴ Opinion of the Supreme Court of the Republic of Slovenia, 18 December 1996.

		<p>3. suspects have the right to access the court file after the public prosecutor files the request to open the judicial investigation or when the investigative judge performs an investigative act prior the opening of judicial investigation (Art. 73 CPA), e.g. when the investigative judge interrogates a witness.¹³⁵</p> <p>In the course of judicial proceedings:</p> <ul style="list-style-type: none"> - the accused has the right to inspect the court file at all times (Art. 128(5) CPA), including any material evidence.
<p>4.3</p>	<p>Under what circumstances is access to material refused? Who takes the decision of refusal?</p>	<p>Only suspects that have been detained have the right to access materials in possession of the police, for the purpose of challenging the decision on detention (see above). Access to relevant material can be refused in the course of pre-trial procedure, when access is sought to challenge the police detention of the suspect, if it could pose a serious threat to the life or the rights of another person, or if the inspection would affect the course of pre-trial proceedings and/or investigation, or if this is dictated by specific reasons of the defence or security of the State (Art. 157 (6) CPA). Decision on refusing access to relevant materials is taken by the police and is a part of the decision on detention. The decision may be subject to appeal under Art. 158(7) CPA. The appeal can be filed with the competent district court.</p> <p>During the court proceedings, the accused is not allowed to inspect materials related to:</p> <ul style="list-style-type: none"> - the identity of protected witnesses, if so decided by the court (Art. 240a (1) CPA); - information classified as secret under the Secret Data Act, if so decided by the court (Art. 235a(5) CPA); - evidence excluded from the court file as inadmissible (Art. 83(4) CPA). <p>The decision on refusal under Art. 240a CPA (witness protection) is taken by the investigating judge</p>

¹³⁵ Slovenia, defence lawyer. In practice, courts do not allow access to materials seized during search of premises, unless the apprehended suspect is brought before the investigative judge for interrogation or the request to open judicial investigation is filed.

		or the judge presiding over the proceedings. The decision on refusal under Art. 235a (protection of secret data), the decision is taken by president of the higher (appellate) court and subject to appeal that is decided by the president of the Supreme Court of the Republic of Slovenia. The decision on the exclusion of evidence is taken by the investigative judge or the judge presiding over the proceedings and is subject to appeal (Art. 83(3) CPA).
5.	CROSS-CUTTING ISSUES: LANGUAGES, COMPLAINT MECHANISMS, RECORDING & SPECIAL MEASURES¹³⁶	Brief Description
5.1	In which languages can information be provided for the following?	In general, the information must be provided in suspect's / accused's own language (Art. 8 CPA), that is, either in suspect's/accused's mother tongue or in some other language the suspect/accused understands.
	a) information on procedural rights	Information must be provided in suspect's / accused's own language (Art. 8 CPA), that is, either in suspect's/accused's mother tongue or in some other language the suspect/accused understands.
	b) letter of rights	The letter of rights must be provided in suspect's mother tongue or in a language the suspect understands. If a written notice in the appropriate language is not available, the apprehended suspect must be informed about his rights first orally in a language which he understands, and then a written notice shall also be provided without undue delay (Art. 4(5) CPA). The letter of rights, used by the police, is drafted in 24 languages.
	c) information about the accusation	Information must be provided in suspect's / accused's own language (Art. 8 CPA), that is, either in suspect's/accused's mother tongue or in some other language the suspect/accused understands.

¹³⁶ See in particular Articles 3 - 8 and relevant recitals of Directive 2012/13/EU.

	d) case materials	Information must be provided in suspect's / accused's own language (Art. 8 CPA), that is, either in suspect's/accused's mother tongue or in some other language the suspect/accused understands.		
		Ye s	No	Brief Description
5.2	Is there any procedure to ensure that suspects or accused persons have the right to challenge the failure or refusal to provide information on the following? If yes, briefly describe the procedure where relevant.			
	a) information on procedural rights	Ye s		1. As a general rule, any evidence obtained in violation of constitutional safeguards must be excluded from the court file (Art. 18(2) and 83 CPA). Duty to provide information on procedural rights (right to silence, right to a defence lawyer) is guaranteed under Art. 29 of the Constitution, as a part of the privilege against self-incrimination (decision of the Constitutional Court, No. Up-134/97). Specifically, failure to provide the information on procedural rights will result in exclusion of any statements of the suspect or the accused obtained in violation of the duty to provide information: - regarding informal police questioning, Art. 83(1) and (2) CPA apply; - regarding formal police interrogation, Art. 148a(3) CPA applies;

			<p>- regarding any judicial interrogation, Art. 227(10) CPA applies; - regarding judicial interrogation of apprehended suspect, Art. 203 CPA applies. The accused may request that evidence be excluded under Art. 83(2) CPA and Art. 285d CPA. The court must rule on inadmissibility due to breaches of constitutional rights ex officio as well.</p> <p>2. Plea agreement entered in violation of the duty to provide information on suspect's rights will result in the rejection of the plea agreement (Art. 450.č CPA).</p> <p>3. The accused may challenge the judgement before appellate court (by filing an appeal), before the Supreme Court (by filing a request for the protection of legality, Art. 420 CPA) and the Constitutional Court (by filing a constitutional complaint), claiming constitutionally protected defence rights have been violated.</p>
	b) letter of rights	Yes	<p>There are no special provisions on the sanctioning of failure to provide the apprehended suspect with the letter of rights.</p> <p>Failure to do so may be challenged if it also results in a failure to provide the suspect with the information about his/her rights (see above). Additionally, any (mis)conduct of the police during the arrest can be challenged by an appeal against the decision on detention (Art. 157(6) CPA).</p>
	c) information about the accusation	Yes	<p>1. In general, the right to information about the accusation is guaranteed by Art. 29 of the Constitution and, additionally, by Art. 6(3) of the European Convention of Human Rights. As such, any failure to provide information about the accusation may result in challenging a judgement in appellate or later proceedings (see above).</p> <p>2. Additionally, failure to provide information about the accusation may result in exclusion of statements obtained as a result of such failure (see above).</p>

			<p>This does not apply to cases when the state prosecutor fails to inform the suspect about the crime report in the course of the hearing under Art. 163a CPA, regarding the diversion procedures and the filing of the penal order.</p> <p>The intention underlying the hearing under Art. 163a CPA is to provide the prosecutor with adequate information on how to proceed with a crime report. It was originally designed to enable the prosecutor to implement the opportunity principle of criminal prosecution, that is, to decide about the use of diversion mechanism. The prosecutor may resort to these measures only if he finds that preconditions for prosecution are fulfilled. This makes diversion mechanisms an alternative to criminal prosecution. Additionally, they may be applied only with the consent of the suspect and the injured party.</p> <p>This conceptual framework means that the suspect can at any time choose not to consent to measures of diversion. If the suspect refuses to consent, the prosecutor will be under an obligation to initiate prosecution by filing an indictment. This will invoke the suspect's right to information about the accusation in its entirety. Any violation of this right in the court proceedings can be dealt with on appeal or by excluding evidence (see above).</p> <p>A suspect's consent to diversion mechanisms is, in fact, fully revocable. His consent may be revoked until the suspect fulfils the obligations he agreed to in the settlement procedure (Art. 161a CPA) or until he fulfils the obligations imposed by the public prosecutor (Art. 162 CPA). If the suspect does not consent or fails to fulfil his obligations, the prosecutor is obliged to initiate prosecution. If the suspect consents and fulfils the obligations, the crime report is rejected and no prosecution can take place.</p> <p>How to ensure that the suspect's consent is not only voluntary but also intelligent (informed)? The provisions of the CPA require the public prosecutor to present the suspect with the crime report. Additionally, the suspect may invoke the right to inspect the prosecutor's file.¹³⁷</p> <p>Failure to inform the suspect about the crime report or to allow the inspection of prosecutor's file may result in:</p> <ol style="list-style-type: none"> a) refusal of the suspect to consent to diversion measures; the prosecutor will be obliged to initiate prosecution and the suspect will be able to receive full information about the accusation;
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¹³⁷ Art. 24 of the State Prosecutor's Order (*Državnotožilski red*), 31 January 2012, available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=AKT_675.

			<p>b) flawed consent of the suspect; if diversion measures are successful (ie they result in a rejection of the crime report), the suspect cannot challenge the validity of his consent before a court of law.</p> <p>Later, the hearing under Art. 163a CPA also became available to the public prosecutor to receive any information necessary about filing of the penal order or about initiating plea negotiations. In this case, failure to provide the suspect with a crime report has no legal consequences; the suspect is not required to consent to a penal order or to enter the negotiations. In both cases the prosecutor will likely initiate prosecution and the charges will be decided by the courts. The accused will be fully able to exercise his right to information about the accusation.</p> <p>In any case, should the prosecutor initiate prosecution, any statements made by the suspect at this hearing cannot be presented to the court (Art. 163a(3) CPA), including statements that concern failed plea agreement negotiations (Art. 450a(5) CPA). If negotiations result in a plea agreement (Art. 450a(4) CPA), the agreement is submitted to the court. In this case, the negotiations are subject to a court review (see immediately below), including the manner in which information about the accusation was provided to the suspect.</p> <p>3. If the prosecutor fails to present the suspect with the written description of the offence and its legal designation, when initiating the plea agreement negotiations in pre-trial procedure (Art. 450a CPA), the resulting plea agreement will be rejected by the court (Art. 450č CPA).</p>
	d) access to case materials	Yes	<p>1. Access to case materials is considered a part of the constitutional right to adequate time and facilities to prepare one's defence (Art. 29 of the Constitution).</p> <p>2. The judgement may be appealed due to failure to provide access to case materials, under</p>

			Art. 371(2) CPA, and later on, by filing a request for the protection of legality against a final judgement (Art. 420 CPA) and by filing a constitutional complaint before the Constitutional court (see above).
5.3	Is any official record kept to note the provision of information about the following? If yes, briefly describe where relevant.		
	a) information on procedural rights	Yes	In case of police detention, the police must write an official note, noting the manner in which the rights of the detained person were observed (Art. 36 of the Rules on Police Powers ¹³⁸). No signature of the suspect is required. In later proceedings, providing information on procedural rights is recorded: (1) in the official note on informal police questioning (Art. 148(6) CPA; the suspect is provided with a copy of the note and is asked to confirm the receipt with his/her signature; he/she may comment on the content of the official note), (2) the official note about the arrest (not exceeding 6 hrs, Art. 157(8) CPA; the suspect is asked to sign the official note; refusal to do so is noted by the police); (3) records on interrogation of the suspect or the accused (Art. 148a CPA, Art. 227 CPA; the suspect / accused is required to sign the records and may offer his/her comments on record) and (4) records of the main hearing (the accused is required to sign the records and can make comments on record).
	b) letter of rights	Yes	In case of police detention, the police must write an official note, noting the manner in which the rights of the detained person were observed (Art. 36 of the Rules on Police Powers; suspect's signature is not required). The rights of the arrested suspect are also noted in the official note about the arrest (not exceeding 6 hrs, Art. 157(8) CPA).

¹³⁸ Slovenia, Rules on Police Powers (*Pravilnik o policijskih pooblastilih*), 3 March 2014, , available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV11612>.

	c) information about the accusation	Yes	<p>Providing information about the accusation is noted in:</p> <ul style="list-style-type: none"> - an official note, noting the manner in which the rights of the detained person were observed (Art. 36 of the Rules on Police Powers; suspect's signature is not required); - the official note on informal questioning of the suspect (Art. 148/6 CPA; suspect's signature required to acknowledge the receipt of the copy); - records of police or court interrogations (Art. 227/10 CPA; accused's signature required); - records of the main hearing (Art. 316/2 CPA; accused's signature required).
	d) access to case materials	Yes	<p>With respect to accessing case materials in case of police detention (Art. 157 CPA), there are no specific provisions requiring the recording of access to case materials. Art. 157/6 CPA does, however, require that denial of access to materials be recorded in a decision on police detention.</p> <p>With respect to accessing the court files, any access to case materials is recorded in an official note, written by the court clerk (Art. 74 of the Court Rules¹³⁹). No signature of the person who accessed the file is required. In practice, access to case materials is requested in writing and the request for access is stored in the case file.</p>
5.4	Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable accused persons (e.g. because of any physical impairments which affect their ability to communicate		

¹³⁹ Slovenia, Court Rules (*Sodni red*), 18 March 1995, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=DRUG419.

<p>effectively (persons with hearing, sight or speech impediments), intellectual disabilities or in case of children and the holder of parental responsibility) in relation to:</p> <p>a) suspect or accused persons with physical impairment or disability;</p> <p>b) suspect or accused persons intellectual impairment or disability;</p> <p>c) suspect or accused children who are suspects/defendants and/or the holder of parental responsibility.</p> <p>If yes, briefly</p>			
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<p>provide information on those mechanisms in relation to each of the listed vulnerable groups. Is this information in simple and accessible language?</p>			
<p>- information on procedural rights</p>	<p>a)</p>	<p>Yes</p>	<p>In general:</p> <ul style="list-style-type: none"> - The assistance of the defence lawyer is mandatory in case the accused is deaf, dumb or otherwise incapable of successfully defending himself (Art. 70 CPA); this provision does not apply to suspects and informal police questioning. However, police interrogation of a suspect (Art. 148a CPA) may only be performed if defence lawyer is present. - Art. 8 CPA, concerning the right to interpretation and translation, applies also to deaf persons (Art. 8(5) CPA); it also applies to confidential communication with his/her defence lawyer (Art. 74 CPA). <p>Specifically, relating to the interrogation of suspect/accused (Art. 233 CPA):</p> <ul style="list-style-type: none"> - if the accused is deaf, he is questioned in writing; if this is not possible, the court may call upon a sign language interpreter; - if the accused is dumb, he is required to answer in writing; if this is not possible, the court may call upon an interpreter; <p>Under Art. 233(2) the accused is not free to choose the manner in of questioning/answering. The law does not confer a right of the accused to choose between being questioned / answering in writing and being questioned / answering with the help of a translator. The default option for the court (under Art. 233(2) CPA) is to question the accused in writing or to require the accused to answer in writing. Under Art. 233 (2) CPA the court is not obliged to call a sign language translator as a default option; only when it is not possible to communicate in writing does the CPA allow for the court to call upon an</p>

				<p>translator.</p> <p>If the interrogation cannot proceed in this manner, a person able to communicate with the suspect must be appointed as an interpreter/translator.</p> <p>These rules apply also to both police interrogation of the suspect (Art. 148a(2) CPA) and to judicial interrogation of the accused.</p> <p>Given that the revised Art. 8 CPA (implementing the relevant directive) applies only since 21 March 2015, this inconsistency between Art. 233 and Art. 8 CPA has not yet been duly explored. However, Art. 233 CPA can be interpreted in a manner consistent with Art. 8 CPA: if the suspect/accused refuses to respond and/or requests an interpreter, interrogation can no longer proceed in accordance with Art. 233 CPA and an interpreter should be appointed. Since the right to interpretation must be given precedence, adequate interpretation of Art. 233 CPA, in the light of Art. 8 CPA, requires that calling a sign language translator is the default option, as a matter of obligation of the court.</p>
		b)	Yes	See above, the assistance of a defence lawyer is mandatory.
		c)	Yes	In case the accused is a minor, the assistance of defence lawyer is mandatory if the offence carries a sentence of over 3 years of prison. In other cases, the assistance is mandatory, is the judge for minors finds it necessary (Art. 454 CPA).
	- letter of rights	a)	Yes	Art. 8 CPA, in cases of deaf suspects, applies to cases where the arrested suspect cannot be provided with a letter of rights in his own language and must be instructed orally. There are no provisions relating to other forms of physical impairment.
		b)		No
		c)		No
	- information about the accusation	a)	Yes	See above, on section "information on procedural rights."
		b)	Yes	See above, on section "information on procedural rights."
		c)	Yes	See above, on section "information on procedural rights."

)	s		
	- access to case materials	a		No	
		b		No	
		c		No	