



Courts¹

Court	Practice
Craiova Court of Appeal	At the level of the Criminal Section of Olt Tribunal requests in minority languages acknowledged in Romania by Law no. 282/2007 on the ratification of the European Charter for Regional or Minority Languages adopted in Strasbourg on 15.11.1992 were identified. Upon receipt of the abovementioned requests, the judge invested with the resolution of the criminal case orders their translation by a translator authorised by the Ministry of Justice, the documents being attached to the file. As far as criminal cases are concerned, 36 documents were translated from minority languages into Romanian and from Romanian into minority languages respectively.
Braşov Court of Appeal	Cases in which the proceedings before the court took place in a minority language (Hungarian and Italian), by means of simultaneous translation by an authorised interpreter, were identified within Brasov Court of Appeal. Brasov Juvenile and Family Tribunal identified two criminal cases under review where the defendants requested that the court proceedings be conducted in Hungarian. Within Covasna Tribunal the judicial proceedings take place in Romanian, the official language. The Romanian citizens belonging to national minorities have the right to speak, draw requests and learn of the evidence in the case, written or oral, in their mother tongue before the courts of law, while the procedural acts shall be written in Romanian. Parties and subjects in the proceedings who do not speak or understand the Romanian shall be provided, free of charge, with the possibility to learn of the evidence

¹ For the courts that were not mentioned in this document, they either communicated that they had no cases, or they do not have statistical data, or the statistical data is not broken down by category: foreign languages vs. minority languages.

	in the case, to speak and to defend in court, using an interpreter or an authorised translator. In situations where legal assistance is mandatory, the suspect or defendant shall be provided, free of charge, with the possibility to communicate via an interpreter with their lawyer so as to prepare the hearing, to file an appeal, or any other motion that has to do with the resolution of the case. At Sfântu Gheorghe Court of First Instance there were cases, in which the proceedings before the court took place in one of the minority languages using authorised interpreters and in their absence the translation was ensured by the judge, the clerk or the trustee according to the Civil Procedure Code. At Târgu Secuiesc Court of First Instance, in criminal cases, where the parties were not speakers of Romanian, the services of an authorised interpreter had been requested. In civil cases, the translation was provided by the judge (until July 2018), the clerk or the trustee, according to the provisions of the Civil Procedure Code or by an authorised interpreter. There had been cases at the Covasna Tribunal where the translation of the documents in the file was requested by the parties, but the court resolutions, the minutes, the judgments had been automatically translated for the parties belonging to national minorities and who had indicated to the court that they did not know Romanian. Cases where the translation of documents in civil matters was requested by the parties had been identified at Sfântu Gheorghe Court of First Instance and at Târgu Secuiesc Court of First Instance. 893 translations were made during the reference period at Brasov Tribunal, Brasov Tribunal for Minors and Family, Făgăraș, Rupea and Zarnesti Courts of First Instance. There are no such statistics in criminal matters at Covasna Tribunal. Starting with 1 February 2014, in the case of national minority defendants, authorised translations of the court's acts of referral (indictments), in the mother tongue, are carried out by the
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	prosecutor's offices within the Public Ministry. These translations are attached to the file together with the indictments and its certified copies. During the reference period 01.01.2017 - 31.12.2018, at the level of Covasna Tribunal, 989 criminal cases had been found, including the associated files, and the number of translations of documents from the files was 285, out of which 149 in 2017 and 136 in 2018. At Sfântu Gheorghe Court of First Instance 120 translations of documents in criminal matters had been carried out during the abovementioned reference period. During the reference period January 1, 2017 - December 31, 2017 a total of 152 pages were translated and during the period January 1, 2018 - December 31, 2018, 70 pages were translated at Târgu Secuiesc Court of First Instance.
Oradea Court of Appeal	Oradea Court of Appeal In First Civil Section there was a situation in which the proceedings before the court took place in the Hungarian, the translation being provided by one of the members of the panel, according to Article 225 Civil Procedure Code. Bihor Tribunal If the citizens belonging to the national minorities had criminal cases and they did not know Romanian, the procedure before the court was carried out in the mother tongue of the respective person, namely: Italian - 7 cases, Turkish - 2 cases, Ukrainian - 1 case, Hungarian - 53 cases. As regards the translation of documents from criminal files, the statistical situation is as follows: ✓ German: 17 translated documents in 4 files; ✓ Italian: 35 translated documents in 13 files; ✓ Czech: 11 translated documents in 4 files; ✓ Hungarian: 116 translated documents in 43 files; ✓ Polish: 6 translated documents in one file ; ✓ Russian: 4 translated documents in one file;

- ✓ Serbian: 5 translated documents in one file;
- ✓ Ukrainian: 6 translated documents in 3 files;
- ✓ Bulgarian: 7 translated documents in one file;

Satu Mare Tribunal

At the level of Second Civil Section, the administrative and fiscal litigation of Satu Mare Tribunal, only cases where claims for legal action had been filed by or against foreign citizens who had addressed the court in their language (Hungarian, Ukrainian) were identified.

In such cases, the court ordered the translation of the procedural documents *ex officio* in order to ensure the party's right to defence, the costs of the translation being ultimately incurred by the party who had been unsuccessful.

In civil matters, there had been situations at Satu Mare Tribunal in which the parties addressed the court in their mother tongue, the translation being provided by the authorised translator. In special cases, where the judge or a member of the collegial panel understood the mother tongue of the respective party, with the express consent of the parties or their legal representative, the principle of oral and direct civil proceedings had been complied with by the translation made by the judge. Such circumstance was in the minutes of a meeting drafted in Romanian.

Only one case was identified in which the defendant, a Hungarian citizen, submitted a statement of defence in Hungarian (which is also the language of a national minority recognised in Romania), the court ordered its translation *ex officio* by an authorised translator. Also, the defendant was allowed to speak in court in Hungarian. The translation of its submissions was made with the agreement of both parties by the president of the panel, who was a Hungarian speaker.

In criminal matters, where the proceedings before the court took place in one of the languages of the national minorities, the provisions of Article 12 Criminal Procedure Code, respectively, the parties had been provided, freely, with the opportunity to express themselves/communicate through an authorized interpreter.

Cluj Court of Appeal	At the level of the Criminal and Juvenile Section, 3 cases were identified in which defendants, belonging to national minorities, respectively to the Hungarian minority, were sent to court. In these files the presence of an authorised translator for the hearings and the translation of the judgment in question was ensured.
Târgu Mureș Court of Appeal	At Târgu Mureș Court of Appeal there was only one situation in criminal matters where the application was filed in a minority language recognised by Romania, in which the court provided the translation of the act into Romanian by an authorised translator. At Odorheiul Secuiesc Court of First Instance, Harghita County, there were situations where claims/complaints had been filed in one of the minority languages recognized by Romania. In civil matters, it was mandatory that the party filing an application in a minority language ensures the translation into Romanian; in criminal matters, the acts of referral of the court are also filed in the minority language by the prosecutor's office. At Miercurea Ciuc and Gheorghieni Courts of First Instance, Harghita County, no cases were found in which the applications/complaints had been filed in one of the minority languages recognised by Romania, but there had been several situations in which the parties filed documents in Hungarian, which, by the order of the court, were translated into Romanian - in civil matters, by the parties, with the assistance of authorised translators and in criminal matters by translators appointed by the court. In criminal matters the acts of referral of the court are drafted by the prosecutor's office in Hungarian as well. At Târgu Mureș Court of Appeal and the courts within its jurisdiction (except for the Sighișoara and Luduș Courts of First Instance), there had been situations in which Romanian citizens belonging to national minorities spoke in courts in their mother tongue, according to the provisions of Article 18 paragraph 2 of the Civil Procedure Code, respectively Article 12 paragraph 2 of the Criminal Procedure Code. In this respect, qualified interpreters/translators had been appointed according to the provisions of Article 225 para. 1 Civil Procedure Code, Article 105 Criminal Procedure Code. At the level of the Court of Appeal, 218 cases in which the court designated an authorised interpreter/translator for a minority language recognised by Romania were identified.

	At Mureș Tribunal there had been 84 cases in which an authorised interpreter / translator for a minority language recognised by Romania was provided. At Târgu Mureș Court of First Instance there had been 458 cases in which an authorised interpreter/translator in a minority language recognised by Romania was provided. There had also been 4 cases in which translation of the documents in the file was requested in civil matters. There had been 4 cases in Reghin Court of First Instance where the court appointed an authorized interpreter to hear the parties in the files. At Târnăveni Court of First Instance, also, there had been situations where witnesses belonging to national minorities had been heard by the court in their mother tongue through a translator/interpreter. At Harghita Court of First Instance, parties and persons belonging to national minorities spoke in their mother tongue before the court in cases in civil matters, in accordance with the provisions of Article 225 para. 1 Civil Procedure Code. In criminal matters, the translation was provided by an authorized interpreter according to provisions of Article 12 para.3 and Article 105 Criminal Procedure Code. Statistical data regarding the translation of documents in criminal files are as follows: ✓ Târgu Mureș Court of Appeal: 180 translations ✓ Mureș Tribunal: 58 translations ✓ Harghita Tribunal: 395 translations ✓ Târgu Mureș Court of First Instance: 98 translations ✓ Reghin Court of First Instance: 1 translation ✓ Sighişoara Court of First Instance: 36 translations ✓ Luduş Court of First Instance: 4 translations ✓ Miercurea Ciuc Court of First Instance: 590 translations ✓ Odorheiul Secuiesc Court of First Instance: 64 translations ✓ Gheorghieni Court of First Instance: 73 translations ✓ Toplița Court of First Instance: 12 translations
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Iași Court of Appeal	At the level of Iasi Court of First Instance, there had been 2 cases registered in criminal matters in which the proceedings before the court took place in a minority language, namely in Hungarian.
Ploiești Court of Appeal	At the level of the Criminal Section of Prahova Tribunal, the following cases, in which the proceedings before the court took place in one of the minority languages, were identified: ▫ Hungarian: 1 file ▫ Russian: 1 file ▫ Bulgarian: 1 file

Prosecutor's office attached to the High Court of Cassation and Justice

Prosecutor's office	Practice
Prosecutor's office attached to Covasna Tribunal (predominantly Hungarian-speaking population)	137 cases in which suspects/defendants/injured parties/witnesses had been heard under Article 105 Criminal Procedure Code ² were identified.
Prosecutor's Office attached to Satu Mare Tribunal	The proceedings took place in a minority language, as follows: ✓ Hungarian: 12 cases ✓ Ukrainian: 4 cases ✓ German: 2 cases ✓ Bulgarian: 1 case ✓ Russian: 1 case
Directorate for Investigating Organised Crime and Terrorism	19 cases were identified in which Hungarian procedural documents had been issued and 4 cases in which such acts were carried out in German.
National Anti-corruption Directorate	8 cases in which procedural documents were done in Hungarian and Slovak were identified.
Military Prosecutor's Office attached to Cluj Military Tribunal	One identified case in which the translation of a forensic expertise report from Romanian into Hungarian was ordered.

²Article. 105

Hearing through an interpreter

(1) Whenever a person subject to hearing cannot understand, cannot speak or cannot express themselves properly in Romanian, their hearing shall be conducted through an interpreter. Such interpreter may be appointed by the judicial bodies or by the parties or victims from among interpreters certified under the law.

(2) Exceptionally, in a situation when the urgent taking of procedure measures is required or when a certified interpreter cannot be provided, a hearing may be conducted in the presence of any person who can communicate with the person subject to hearing. However, judicial bodies are under an obligation to resume the hearing through an interpreter as soon as this is possible.

(3) If a person subject to hearing is deaf, mute or deaf & mute, the hearing shall be conducted with the participation of a person who has the capacity to communicate through the special language. In such situation, communication may also take place in writing.

(4) In exceptional situations, if an authorized person, who can communicate through the special language, is not present, and communication cannot take place in writing, the hearing of persons listed under par. (3) shall be conducted with the help of any person having such communication skills, and the provisions of par. (2) shall apply accordingly.