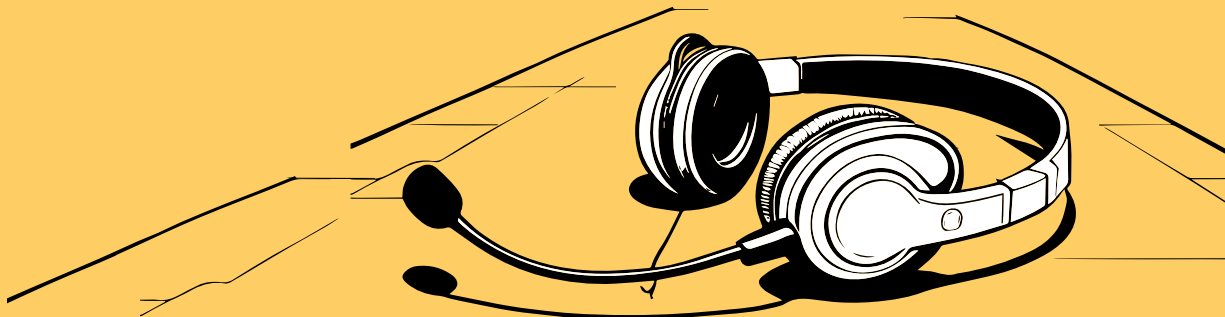


**P E N
N O R W A Y**

Kurdish Linguistic Rights in the Courtroom in Turkey

A survey-based report to determine the standard of provision of Kurdish-Turkish interpretation services in Turkey's courtrooms and to gauge the experiences of defendants wishing to give evidence, statements or defence in their own language.

2025



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This report is produced by PEN Norway.

Author: Caroline Stockford, PEN Norway Turkey Adviser

About PEN Norway

PEN Norway is an independent membership organisation, dedicated to defending and promoting freedom of expression, and supporting writers, journalists and others using their freedom of expression that is at risk or in prison. PEN Norway's goal is that everyone should have the right to express themselves freely.

PEN Norway is a part of PEN International – the world's largest writer and freedom of expression organisation, established in 1921.

Contact information:

pen@norskpen.no

Sentralen, Øvre Slottsgate 3, 0157 Oslo, Norway

www.norskpen.no Facebook: /NorskPEN Instagram: /norskpen

This report is available online and from
PEN Norway in English, Turkish and Kurdish.

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Introduction

PEN Norway has been monitoring the human rights situation in Turkey for decades. Since 2018 in particular we have been closely monitoring trials of journalists and civil society actors, many of these in person and have been compiling hearing reports about each case. This close monitoring of Turkey's judicial system's compliance and non-compliance with procedural law and the conventions and charters to which it is signatory, has led to further projects, such as the Turkey Indictment Project, in which, to date 30 indictments have been studied to assess their compliance with domestic and international standards.

A further outcome of our trial monitoring has been to witness the treatment received by Kurdish defendants, particularly in cases where they are being accused of alleged offences in relation to terror propaganda, assistance to or membership in an armed organisation. We have observed that pre-trial detention is almost universally applied despite often the absence of flight risk or tampering with evidence, that indictments can feature long, copied tracts describing the organisation and history of armed groups and that throughout the judicial process, from first being taken into custody, to formal arrest and throughout any consequent trial that their linguistic rights are denied and further to this, that their language and culture can be subject to direct insults from members of the judiciary.

During the trial of Kurdish journalist Nedim Türfent, closely monitored by a number of PEN centres, we heard that he was denied the use of Kurdish in most of the hearings and that when his request was granted the interpreter proved inadequately skilled, repeating stock phrases instead of interpreting the defendant's speech word for word. This led us to examine more closely the provision of interpreting in the courts in Turkey.

Upon learning that the current provision for interpretation at all levels of the judicial system is for regional courts to compile and publish lists of interpreters who have sworn their own proficiency in front of a notary public rather than having sat any state or independently-set exams or having demonstrated any other professional qualification from their country of origin, we decided to survey a large number of Kurdish persons who had been a defendant in a legal case in Turkey at any level from a civil suit to the High Criminal Courts. We asked them about their experiences, whether they had easily been able to understand the details of the case, whether they had been granted an interpreter, how well that person had performed and also we asked them how they felt about their treatment in the courts upon requesting to give their defence in Kurdish.

One of the main remits of PEN centres worldwide and of PEN International itself is the monitoring of linguistic rights across the world. PEN not only supports and campaigns for writers at risk, writers in prison, women writers and writers for peace but supports the development of translation and linguistic rights worldwide. The Translation and Linguistic Rights committee of PEN International has member committees in centres in every region of the world and in recent years has supported an African languages conference in Johannesburg 2016¹ the indigenous languages of south American, explored at the Translation and Linguistic Rights Committee meeting at Chiapas, Mexico in 2019², of the indigenous languages of the Philippines³ and the Sami peoples of northern Finland in 2024⁴. This work is carried out in line with the Girona Manifesto.

Linguistic rights are protected under a variety of mechanisms and in relation to judicial matters not least under Article 6/3a of the European Convention on Human Rights which covers the right to a fair trial and the right to be brought swiftly before a judge and to have proceedings explained in a language that the defendant understands. It should be noted that not every person in Turkey is yet literate and there remain many Kurdish people, women especially, who do not and cannot speak Turkish⁵.

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

Turkey’s Constitution, however, does not make provisions for citizens to speak their mother language in legal, educational or municipal settings. Despite almost 20% of the population of Turkey having Kurdish identity⁶, Kurdish is considered a foreign language and is not recognised as an official language within Turkey. Further to this, no standardised form of examination of an interpreter’s language skills, no country-wide training programme, grading or standardisation of interpreting provision appears to exist from Turkish to Kurdish or in relation to any foreign language from outside Turkey.

For the purposes of assessing the situation faced by defendants who wish to speak Kurdish in court, of lawyers representing them and interpreters working to facilitate understanding in the police stations and courts in Turkey we have compiled this

report in which we have surveyed 225 Kurdish-speaking defendants and prisoners, reached out to lawyers and interpreters for their views and have presented the current legal provisions for consideration.

Our methodology consisted of the following:

- a) Designing of a survey that encompassed statistical and narrative components aiming to understand both the numbers involved and the effect that the bias against Kurdish or denial of the right to have an interpreter had upon defendants.
- b) Two lawyers, one Turkish and one Kurdish, took the survey to prisons and also interviewed former defendants over the telephone in order to fill in the survey. The identity of all survey respondents has been anonymised by PEN Norway.
- c) Contacting lawyers and interpreters working with Kurdish clients with our questionnaire
- d) Obtaining and presenting the historical background to the linguistic discrimination against Kurdish
- e) Comparing the lack of provision of qualified interpreters in Turkey with Britain and the Chartered Institute of Linguists' Diploma in Public Service Interpreting with a view to recommending that an independent institution similar to the CIOL be set up in Turkey.
- f) Making our recommendations, bearing in mind that such large infrastructural changes will take time.

We believe that our research will prove useful for the establishment of recognised standards of qualification for interpreters in all language pairs working in Turkey and that our recommendations will be implemented, to further safeguard defendants' rights to present their defence in their own language and to be made fully aware, by way of a trained, qualified and independent interpreter, of all details of their case and any detention risk. We wish to see the uncoupling of language and politics in this regard and for the Kurdish languages and dialects and those who speak them as a first language to receive the full respect that they deserve, free from bias and prior judgement.

PEN Norway will advocate with this report in Turkey, at the United Nations (following ours and PEN International's input to the Universal Periodic Review for Turkey on the subject of Kurdish Linguistic Rights), and at the Council of Europe in 2025 and we will continue to expand the project by way of pilot training sessions and consultation.

Caroline Stockford
Turkey Adviser
PEN Norway

Endnotes

- 1 <https://www.pen100archive.org/tlrc-meeting-in-johannesburg/>
- 2 <https://www.pen-international.org/news/kl7hgawijz03vvftq8iehuw60olukn>
- 3 <https://www.pen100archive.org/panel-discussion-at-manila-congress/>
- 4 <https://www.suomenpen.fi/en/pen-tlrc-lausunto-saamen-kielista-ja-kirjallisuudesta/>
- 5 Nese Düzel, "Pazartesi Konusmalar1" ("Monday Chats"), Yeni Yüzyıl (Istanbul), Internet edition, April 27, 1997: "Dr. Salih Yıldıırım, the state minister responsible for southeastern Turkey, stated that one-third of those living in the region did not speak Turkish, a figure that rose to 50 percent among women" from Human Rights Watch reports Turkey, 1999 (www.hrw.org/reports/1999/turkey).
- 6 <https://yetkinreport.com/2024/11/18/turkiyede-ne-kadar-kurt-yasiyor-acilima-ne-diyorlar/>

History of provisions for the use of the Kurdish language in Turkey

Background:

The last two paragraphs of Article 39 of the Treaty of Lausanne (the final peace treaty ending WWI, signed 24 July, 1923 after a seven-month long conference to determine the borders of modern Turkey) state:

“No restrictions shall be imposed on any Turkish citizen in the use of any language in private or commercial relations, in matters of religion, press, or any other type of publication, or at public meetings. While the existence of an official language is undeniable, facilities shall be provided for Turkish citizens speaking languages other than Turkish to use their own language orally before the judges.”¹

However, the discrimination with a view to diminish or wipe out the Kurdish language began as soon as the new Republic of Turkey was formed in the 1920s. To replace Kurdish with Turkish as lingua franca in the country was seen as the most effective tool of homogenisation. Between 1960 and the present day, following several coups d’etat a policy to remove Kurdish from public life was followed, resulting in the Turkification of the names of villages and towns, the prohibition of Kurdish literary journals and magazines, the banning of non-Turkish names for newborn children² and, eventually, the outright banning on ‘the explanation, publication and broadcasting of Ideas and opinions In any language other than Turkish’³. The “Law on Publications in Languages Other than Turkish,” was enacted in October 1983, three years after the 1980 military coup. The second article of this intimidating law contained the following sentence: “The expression, dissemination, and publication of thoughts in any language other than the first official languages of the states recognized by the Turkish State are prohibited.” The law clearly stated that the official language of Turkish citizens is Turkish, and promoting another language was a criminal offence punishable by imprisonment. It took ten years for this law to be repealed on January 25, 1991.⁴

In 1992 Prime Minister Turgut Özal was critical of the Republic’s constant drive for homogeneity of cultures since its inception in 1923, citing to the negative effect on the multicultural makeup of Anatolia⁵

Similarly, in 1992 the Refah Party's Kurdish Report reported that since most Kurds appeared not to be seeking the partition of the country it could be justified that their exercising of linguistic and cultural rights were not a doorway opening upon the threat of separatism.

In 2005, Prime Minister Erdoğan vowed to remove obstacles to the speaking and writing of Kurdish languages⁶ and dialects. In 2007 the AKP initiated a Democratic Initiative (Demokratik Açılım) under which the Kurdish Opening (Kürt Açılımı) (among other initiatives for smaller, first languages) was instated and led the way to further reforms⁷ which lifted the ban on the use of Kurdish in the media.

Kurdish language courses were initiated officially in August 2002⁸, according to which private language courses teaching Kurdish or other Anatolian languages and dialects could be opened and this was followed by the permission of YÖK (Yüksek Öğretim Kurulu), the Board of Higher Education to allow private and public university courses in Kurdish languages and dialects⁹.

In January 26, 2011, the Board of Higher Education (YÖK) approved the establishment of Kurdish Language and Literature departments, which led to the opening of these departments at Mardin Artuklu, Muş Alparslan, and Bingöl Universities, as well as Zaza Language and Literature departments in Bingöl and Tunceli (Dersim). Since the establishment of these departments, approximately 100 students graduated from them each year.

In 2022, while 20,000 teachers were appointed across Turkey, only three Kurdish language teachers were appointed: two in Kurmanji and one in Kirmancki/Dimli. In a country with over 20 million Kurds, thousands of Kurdish language teachers are still awaiting appointment.

However, under the state of emergency following the attempted-coup of 2016, Kurdish courses, schools and universities were shut down once again. Many of the emergency decrees of the government targeted Kurdish institutions or organisations rather than Gülenist ones, the supposed instigators of the attempted-coup, and this was seen by many as an opportunity to inflict further restrictions on Kurdish culture¹⁰.

Turkey and the Charter on Regional or Minority Languages

In light of the fact that the actions and policies of successive governments in Turkey have led to the decimation of the Kurdish language, with fewer people than ever now speaking it as a full-time first language¹¹, it is recommended that Turkey considers signing the Charter on Regional or Minority Languages.

Signatories of the European Charter on Regional or Minority Languages¹² uphold the charter premise that *"the right to use a regional or minority language in private and public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political Rights, and according to the spirit of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms"*.

Art.7.1.(d) stipulates that signatories will ensure, *“the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life”*, to (Art.7.1.(e)) ensure *“the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;”* and to ensure (Art.7.1.(f)) *“the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages”*.

In the prevention of discrimination against less-widely spoken languages within a given country the Charter stipulates that, (Art.7.2.) *“The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely used languages.”*

The Charter goes on to cover the use of smaller or less-used, indigenous languages in public services and the importance of access to one’s own language in such areas as education, medical care and communications with the authorities or municipality. These are a natural progression once the basic rights to learn, disseminate and practice one’s language are assured.

In legal proceedings the Charter provides not only similar rights to the ECHR concerning the right to defence in one’s own language (Art.9 (Judicial Authorities) (1,i,ii)), it goes further to state that (Art.9.1.iii) *“..evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or (iv.) to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”*

It is recommended that, in consideration of reforms in the provision of foreign language interpretation in the courts of Turkey (including the indigenous language of Kurdish), the authorities consider signing the Charter as sign of a commitment to the support of minority or smaller languages in Turkey.

Endnotes

- 1 https://www.mfa.gov.tr/lausanne-peace-treaty-part-i_-political-clauses.en.mfa
- 2 Moustakis and Chaudhuri, 2005; Yeğen, 2009
- 3 Hughes and Karakaş, 2009; Yeğen, 2009
- 4 [kanundmc06602932.pdf](#)
- 5 Candar, 2013; Robins, 1993; Yuçel, 2016
- 6 Mitchell, 2012
- 7 Article 9 of the Statute of Turkey (SoT) 4709/2001
- 8 SoT 4771/2002,
- 9 JEMIE Vol 15, No 3, 2016
- 10 Engaging minorities under emergency: Turkish modular emergency and the Kurdish case revisited <https://www.tandfonline.com/doi/full/10.1080/14683857.2023.2170725>
- 11 <https://www.rudaw.net/english/middleeast/turkey/15052024>
- 12 Signatory countries being: Armenia, Austria, Bosnia & Herzgovina, Croatia, Cyprus, Czechia, Denmark, Finland, Germany, Hungary, Liechtenstein, Luxembourg, Montenegro, Netherlands, Norway, Poland, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom

Current legal provisions concerning access to interpreters for defendants in cases in Turkey

Currently there is no standardisation of provision of training or education for interpreters in Turkey. Individuals wishing to interpret in the courtroom have only to attend the Notary Public and have a self-declaration of their proficiency stamped by the Notary Public. There is no requirement for any qualification other than having completed high school education.

This section contains the provisions, below, announced in the Official Gazette on 5 March 2013 in relation to the administration of interpreter lists, and Article 202 of Turkey's Code of Criminal Procedure (CCP) which covers provision of interpreters.

5 March 2013 TUESDAY	Official Gazette	Issue : 28578
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REGULATION

By the Ministry of Justice:

REGULATION GOVERNING THE ADMINISTRATION OF INTERPRETER LISTS PURSUANT TO THE CODE OF CRIMINAL PROCEDURE

PART ONE

Objective, Scope, Basis and Definitions

Objective and scope

ARTICLE 1 - (1) The objective of this Regulation is to regulate the principles and procedures relating to the interpreter lists that will be compiled to provide the Turkish interpretation of

a) The statements pertaining to the allegation or the defence by the victim, witness, suspect or defendant who does not speak Turkish to the extent that they can express themselves or who are disabled, in the investigation or trial phase,

b) The defendant's oral defence which will be heard during the trial phase following the presentation of the indictment and on the opinion of the merits of the case and which will be delivered in a language in which they declare that they can express themselves more effectively.

(2) This Regulation covers the topics of compilation and updating of interpreter lists by the provincial judicial commissions of first instance courts, the identification of the languages in which people who can apply as interpreters are experts and their required qualifications, the method of application, the procedures and principles of their assessment, their inclusion and removal from the list and the principles to be followed by interpreters.

Basis

ARTICLE 2 - (1) This Regulation has been prepared pursuant to Article 202 of the Code of Criminal Procedure dated 4/12/2004 and numbered 5271.

Definitions and abbreviations

ARTICLE 3 - (1) The following expressions in this Regulation shall have the following respective meanings;

- a) Ministry: Ministry of Justice,
- b) Sign language: Visual language formed by the use of hand and body movements and facial expressions to express feelings, thoughts, wishes and needs,
- c) The Law: Code of Criminal Procedure dated 4/12/2004 and numbered 5271,
- d) Commission: Provincial judicial commission of first instance court,
- e) List: The list of interpreters compiled annually by the provincial judicial commission of the first instance court,
- f) Interpreter: A real person who interpreters the statements of the victim, suspect, defendant, and witness into Turkish from another language or using sign language during the investigation and trial phase,
- g) UYAP: National Judiciary Informatics System,
- h) Year: Calendar year.

PART TWO

General Provisions

Determining the need for an interpreter

ARTICLE 4 - (1) Each year by September 15th at the latest, the commissions shall ask the provincial and district chief public prosecutors' offices and criminal courts within the jurisdiction to provide information, by September 30th, on the languages and sign language for which interpreters are needed.

(2) Based on the information and applications they received, the Commissions shall determine for which language or languages and sign language there is a need for interpreters.

Public Notice

ARTICLE 5 - (1) By October 15th, the Commissions shall issue public notices inviting those who wish to serve as interpreters to submit their applications to the commission directorate. The Commissions shall send an official letter on the topic to the relevant provincial and district-level public institutions and organisations and to the professional organisations that has the status of a public institution.

(2) The public notice shall be issued in the form of posting the notice text in the halls of the provincial judicial commission of the first instance court and the courthouses within the jurisdiction, and of publishing it in a local newspaper and in electronic media. Other customary means may also be used if necessary.

(3) The public notice shall also mention the date or dates on which the persons added to the list must be present to take an oath.

Conditions for admission to the list

ARTICLE 6 - (1) In order to be included in the list, translators;

- a) must be a citizen of the Republic of Turkey,
- b) must have judicial capacity on the date of the application,
- c) must be a graduate of at least primary school,
- d) must be over 18 years old on the date of application,
- e) must not be convicted for committing offences against the State and courthouse, offences covered in the Anti-Terror Law numbered 3713 and dated 12 April 1991, and offences of summary and major embezzlement, extortion, bribery, robbery, fraud, forgery, abusing trust, fraudulent bankruptcy or smuggling, using trickery in formal auctions or commerce, even if the sentences are pardoned or suspended; or there must not be any court ruling to suspend the pronouncement of the verdict,
- f) must not be dismissed from the civil service or expelled from any profession due to disciplinary issues or banned from performing any trade,
- g) must reside or be performing a professional activity around the province where the Commission is located,
- h) must not be registered in the list of any other commission.

Application process

ARTICLE 7 - (1) Each year until October 31st, those who wish to be added to the list as interpreters shall apply in person with a letter of application to the commission or to the local chief public prosecutor's offices which will send it to the Commission. The documents submitted to the local public prosecutor's offices shall be sent to the relevant commission via UYAP. The original documents or their copies approved by the local public prosecutor's offices shall also be delivered to the relevant commission. Petitions submitted after the aforementioned date shall not be taken into consideration.

(2) The letter of application should also include the bank account information of the applicant.

Documents must be provided in support of the application letter

ARTICLE 8 - (1) The application petition shall include;

- a) Turkish Republic identity number,
- b) Address-based civil registry document,
- c) Original document or approved copy of diploma, license or certification indicating language proficiency. In the event that there is no such document, written declaration indicating that enough language proficiency to carry out translational activities is present,
- d) Two passport size photographs,
- e) The document showing the educational status of the applicant -either original or the copy approved by the commission.

(2) In case the applicant is registered in the previous year's list, the information and documents listed in subparagraphs (a), (c) and (e) of the first paragraph shall not be requested.

Assessment of the applications

ARTICLE 9 - (1) The Commission shall register the applications and record the names of the applicants, the languages and the sign language they speak, the institutions and organisations they work for, (if any), and their open addresses.

(2) The Commission shall assess the applications by November 30th and if the documents specified in Article 8 are missing or if the applicant fails to satisfy the conditions specified in Article 6, the application shall be rejected. The applicant shall be notified regarding the rejection decision.

(3) A list shall be compiled including the names of the applicants whose applications are granted, the language or languages they speak and type of sign language in which they are proficient, the names of the institutions and organisations they work for, if any, and their open addresses. The list shall be posted to halls of the courthouse and published in electronic media.

The oath and ethical principles

ARTICLE 10 - (1) Applicants who are admitted to the list for the first time and those who are removed from the list voluntarily and re-admitted shall be made to take an oath pursuant to fifth paragraph of Article 64 of the Law on certain day or days previously determined and announced by the Commission.

(2) In performing their duties, the interpreters are obliged to act in accordance with the following ethical principles.

- a) Independence.
- b) Impartiality.
- c) Honesty and telling the truth.
- d) Fulfilment of duty.
- d) Confidentiality.
- e) Compliance with basic principles of judgement.

Publication of lists

ARTICLE 11 - (1) By December 31st, a copy of the list of sworn interpreters shall be sent to the General Directorate of Criminal Affairs and Directorate of Information Technologies of the Ministry of Justice, and to the central and affiliated district public prosecutor's offices in order to be announced to the courts. The list shall also be posted in the courthouse hall.

(2) The lists prepared by the Commissions and sent to the Directorate of Information Technologies of the Ministry of Justice shall be merged and published in the Bulletin of Judicial Legislation and on the electronic media.

Interpreter expenses

ARTICLE 12 - (1) The incurred expenses of the interpreter assigned for the suspect, defendant, victim or witness who does not speak Turkish or is disabled shall not be categorised as litigation costs and shall be covered by the State Treasury.

(2) The incurred expenses of the interpreter chosen by the defendant pursuant to the fourth paragraph of Article 202 of the Law from the lists created by the Commissions, shall not be covered by the State Treasury. In this case, the court shall determine the interpreter fee and the time limit within which the amount must be deposited in the cashier's office.

Stalling the trial

ARTICLE 13 - (1) Pursuant to the fourth paragraph of Article 202 of the Law, the right to benefit from the services of an interpreter shall not be exploited with the intent to stall the trial.

Reasons for delisting

ARTICLE 14 - (1) Interpreters admitted to the list shall be delisted if;

- a) They subsequently fail to meet the conditions for admission to the list,
- b) They refrain from working as an interpreter without a legal reason,
- c) They request to be removed from the list,
- d) They exhibit attitudes and behaviours incompatible with the ethical principles specified in the second paragraph of Article 10,
- e) They are convicted of the offences specified in subparagraph (e) of the first paragraph of Article 6 or they received a court ruling to suspend the pronouncement of a verdict.

(2) In case a public lawsuit has been filed against them for the offences specified in subparagraph (e) of the first paragraph of Article 6, the interpreter's name shall be suspended from the list. Such a suspension shall be lifted in case of an acquittal as a result of a trial.

Process of delisting

ARTICLE 15 - (1) If the conditions of delisting mentioned in Article 14 are present, the name of the interpreter shall be removed from the list by the decision of the Commission.

(2) The decision of the Commission regarding the interpreters to be delisted shall be notified to the relevant person and announced following the procedure outlined in Article 11.

Process of renewal of lists

ARTICLE 16 - (1) The lists shall be recompiled every year pursuant to the provisions of this Regulation.

PART THREE

Miscellaneous and Final Provisions

Compilation of the 2013 list of interpreters

PROVISIONAL ARTICLE 1 - (1) Within three months following the date of entry into force of this Regulation and pursuant to the provisions of this Regulation, a list of interpreters shall be prepared by the Commissions.

Enforcement

ARTICLE 17 - (1) This Regulation shall enter into force on the date of its publication.

Administration

ARTICLE 18 - (1) The provisions of this Regulation shall be administered by the Minister of Justice.

Cases where the presence of an interpreter is required according to Article 202 of Turkey's Code of Criminal Procedure (CCP)

(1) If the defendant or victim does not speak Turkish to the extent that they can express themselves, an interpreter appointed by the court shall translate the essential points of the allegation and defence at the hearing.

(2) The defendant or victim with a disability shall have explained to them the essential points of the allegation and the defence in a manner that they can understand.

(3) The provisions of the first and second paragraphs are also applicable for the suspect, victim and witnesses heard during the investigation phase. The interpreter shall be appointed by the judge or the public prosecutor at this phase.

(4) (Paragraph added to Article 1 on 24/1/2013; Act No: 6411) In addition, (1)

a) Upon the presentation of the indictment,

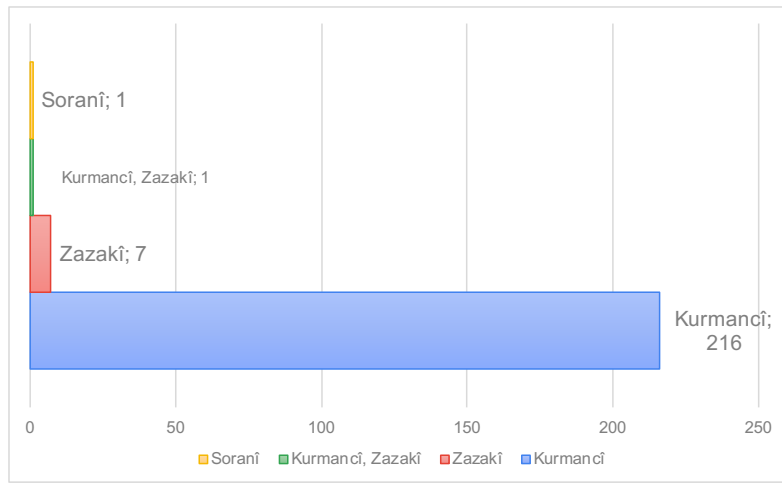
b) and on the opinion of the merits of the case, the defendant may present their oral defence in a language they state allows them to express themselves most effectively. In this case, the interpreting services shall be provided by the interpreter chosen by the defendant from the list compiled pursuant to Paragraph 5. The expenses of this interpreter shall not be covered by the State Treasury. This privilege shall not be exploited with the intent to stall the trial.

(5) (Paragraph added to Article 1 on 24/1/2013; Act No: 6411) Interpreters shall be selected from among the persons in the list compiled annually by the provincial judicial justice commissions. Public prosecutors and judges may select interpreters not only from lists compiled in their province, but also from lists compiled in other provinces. The procedures and principles regarding the compilation of these lists shall be determined by the pursuing regulation.

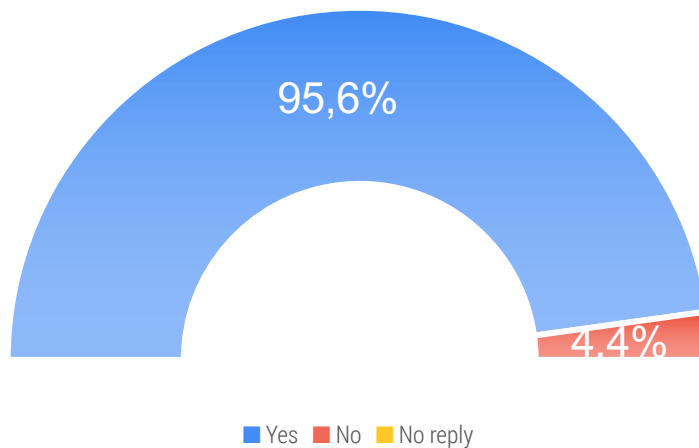
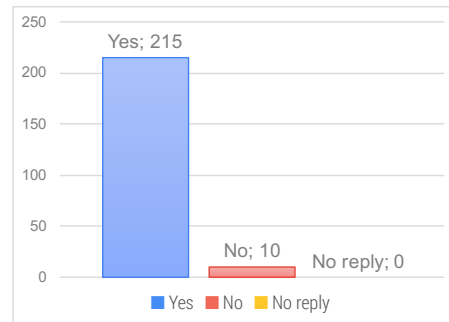
Survey of 225 defendants wishing to use Kurdish in the judicial process

A survey of 225 first-language Kurdish defendants in legal cases at all levels of the judicial system from 2016-2022. The aim of this survey is to determine the standard of provision of Kurdish-Turkish interpretation services in Turkey's courtrooms and to gauge the experiences of defendants wishing to give evidence, statements or defence in their native/first language of Kurdish.

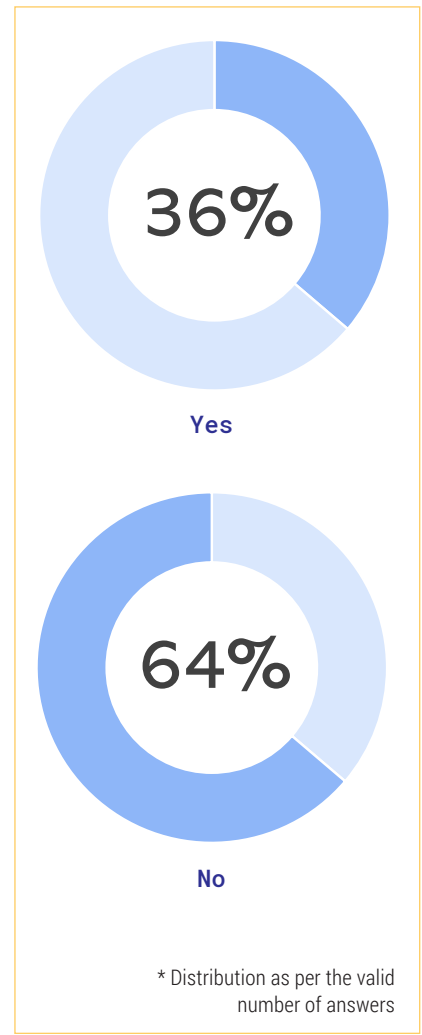
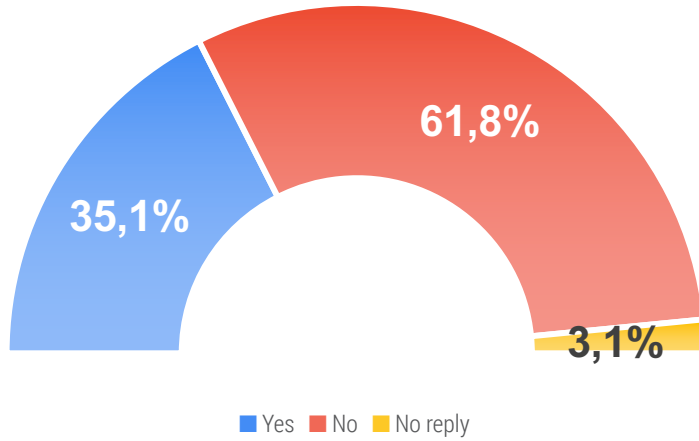
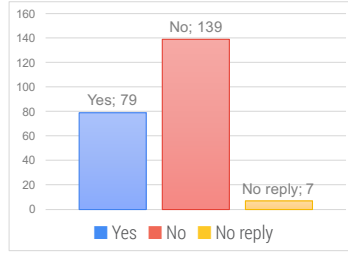
Q1 Which Kurdish language or dialect do you speak?



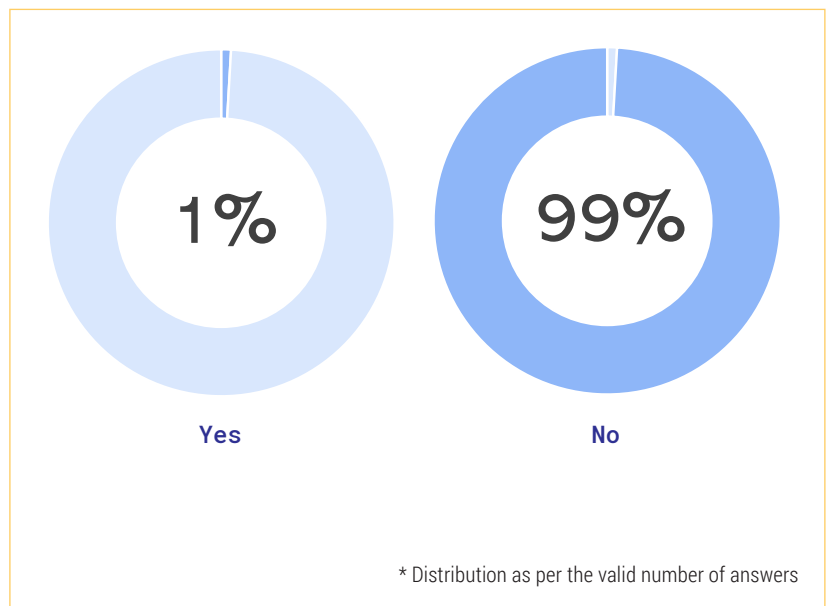
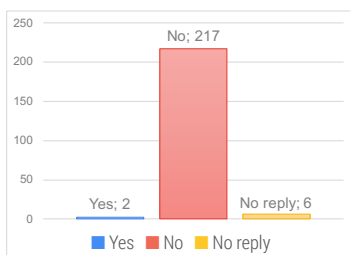
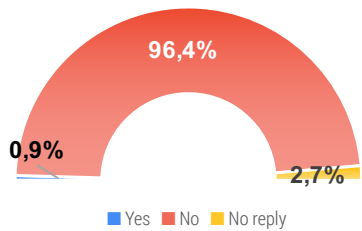
Q2 In the past 5 years have you been either a suspect or a defendant in a court case?



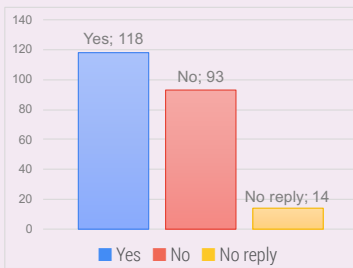
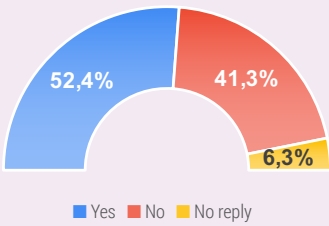
Q3 Were the charges against you and your legal rights explained to you in a language that you understand prior to your giving a statement?



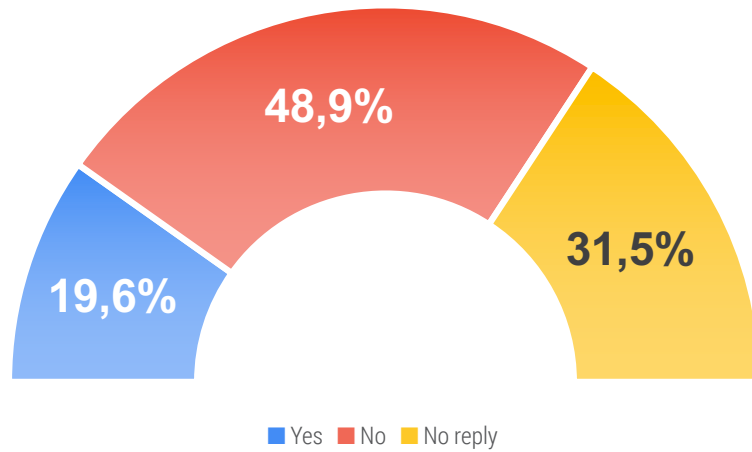
Q4 When the police/prosecutor took your statement and during the legal/civil judge's interrogation were you informed that you had the right to use your own language?



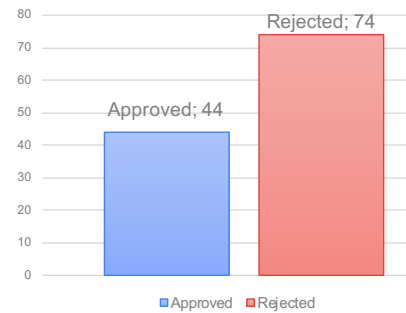
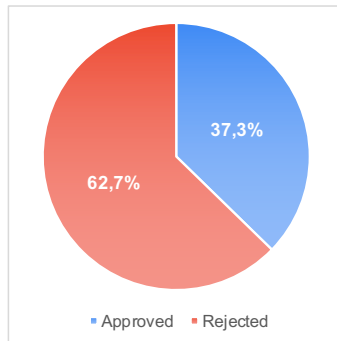
Q5 During the taking of your statement and/or the duration of the judge's questioning, did you express your wish to use your mother tongue?



Q6 Was the above (Q5) request granted?



This graphic represents the 44 persons (out of the 118 defendants in the previous question) whose request to use the Kurdish language in court was accepted.

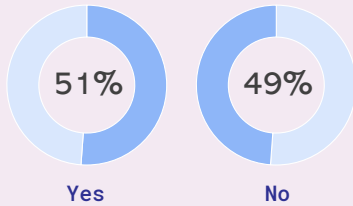
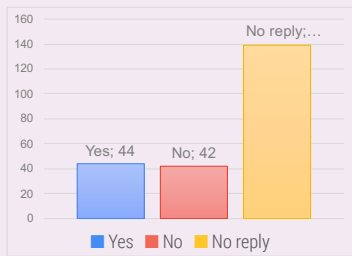
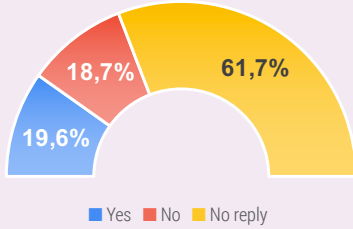


Q7 If your request was granted, who carried out the role of interpreter?

- Law enforcement officer
- Request not granted
- An interpreter from the Fair Trial Commission
- Tea-person (çaycı)

* Chosen from 225 narrative answers

Q8 Did finding an interpreter make the time taken to give your statement longer?



* Distribution as per the valid number of answers

Q9 If you answered 'Yes' to the above (Q8) by how much did this extend the time taken to give your statement?

- It took as long as it did to find an interpreter. We waited.
- Two days
- By 80%
- Three months

Response	Percentage
Yes	8.4%
No	29.8%
No reply	61.8%

Q10 Do you think that the interpreter accurately conveyed to you the charges against you, the questions being asked and your statements?

Response	Count
Yes	19
No	67
No reply	139

Response	Percentage
Yes	22%
No	78%

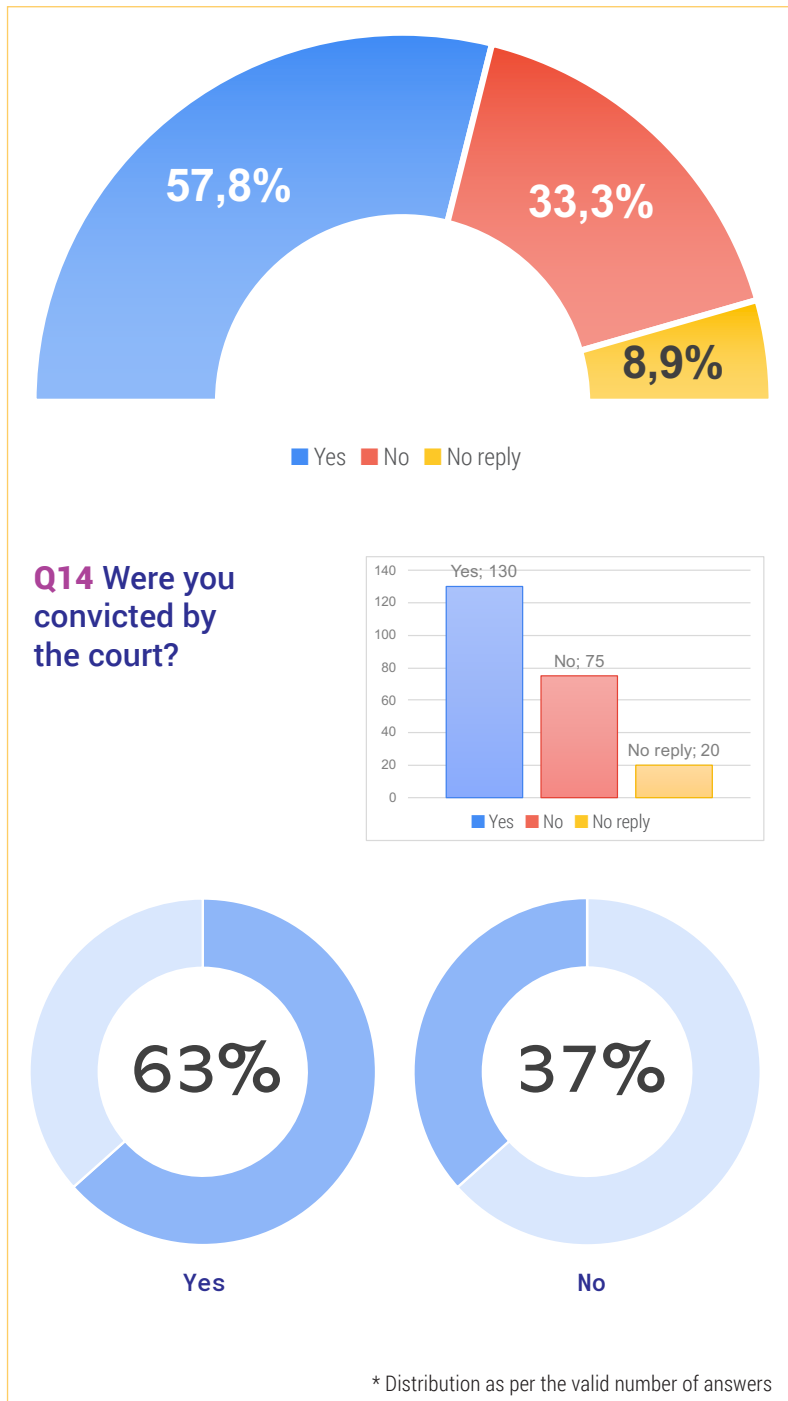
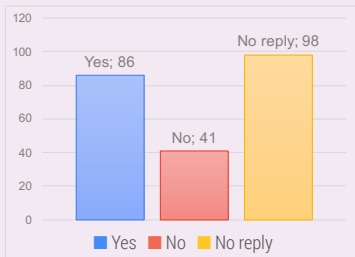
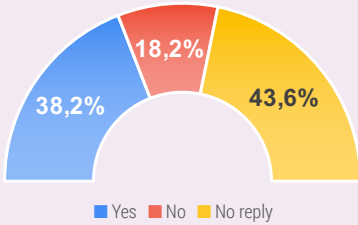
* Distribution as per the valid number of answers

Q11 If you think that the interpreter did not fulfil their role competently in relation to conveying the charges, questions asked and your comments, why do you think this was? (For example: Difference of dialect? Prejudice? Summarising rather than translating what you said to the court?)

- Their Kurdish was different, and academic
- Dialectal difference, difficulty of interpreter in being able to summarise and convey meaning, difficulties with legal terms]
- Prejudice
- Dialectal difference and inability to use their mother tongue

* Chosen from 225 narrative answers

Q12 When you requested to use your mother language during the interrogation process did the police, prosecutor or judge make any comment or show any reaction?

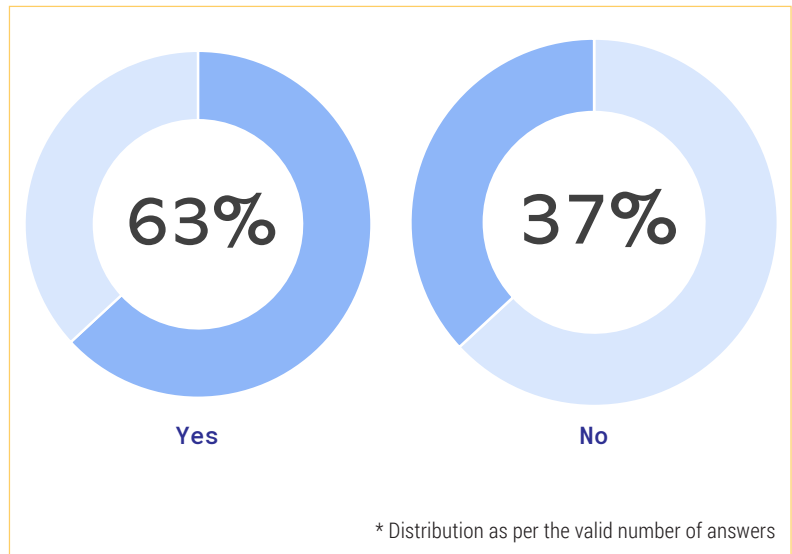
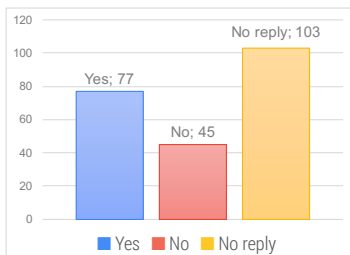
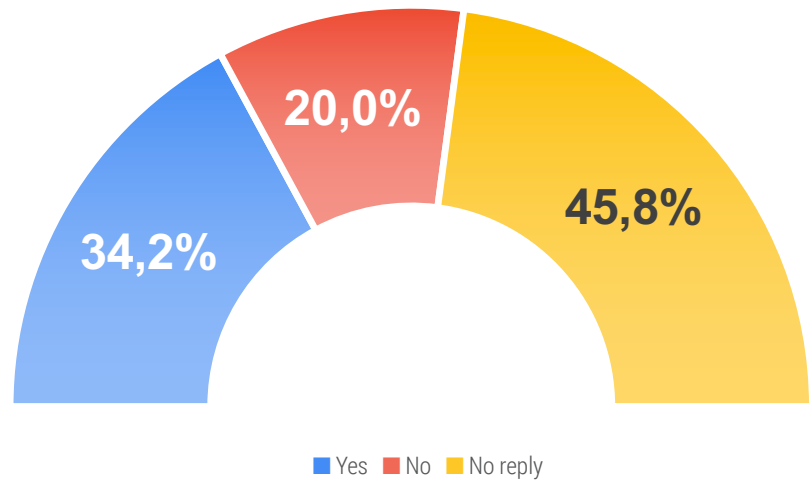


Q13 If the answer to the above question (Q12) was 'Yes', what kind of comment or reaction did the police/prosecutor/judge give? How did you feel about this?

- *Unknown language*
- *An argument broke out in court when I tried to use my mother tongue*
- *I was told that there would be negative consequences if I were to use my mother tongue when giving my defence*
- *I was told there was no need and that the situation would go badly if I used it*

* Chosen from 225 narrative answers

Q15 If you were convicted following the interrogation process do you think that requesting to give and/or giving your defence in your mother tongue made a difference to your case?



Q16 If you answered 'Yes' to the above (Q15), what made you come to this conclusion?

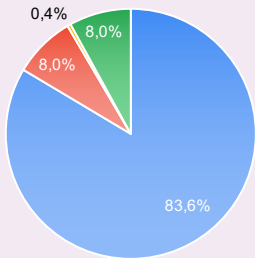


- *I could not speak in my own language and so I could not give a statement. They were saying "You live in the Turkish state, you will speak Turkish"*
- *My wanting to give my defence in my mother tongue was considered as an ideological stance. There was discrimination*
- *I cannot be an equal citizen*
- *They claimed that Kurdish was not a language and, at the same time, that my wish to speak Kurdish was as a result of pressure from a terrorist organisation*

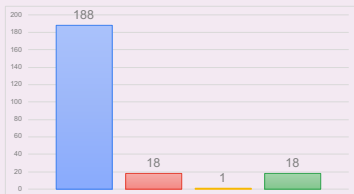


* Chosen from 225 narrative answers

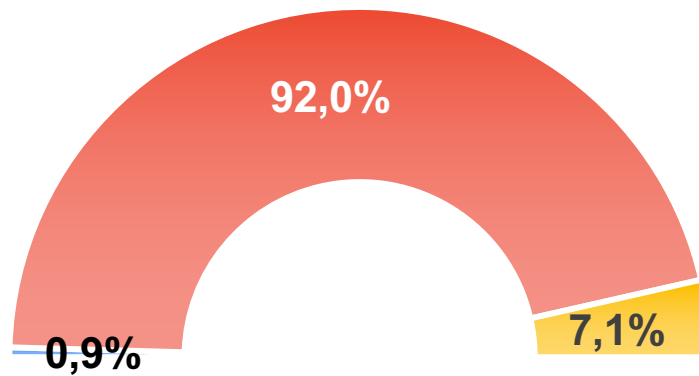
Q17 By which level of court was your case heard?



- High Criminal Court
- Criminal Court of First Instance
- Civil Courts
- No response

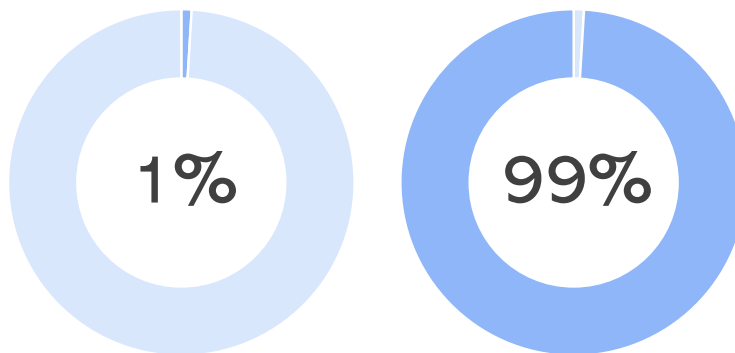


- High Criminal Court
- Criminal Court of First Instance
- Civil Courts
- No response



- Yes
- No
- No reply

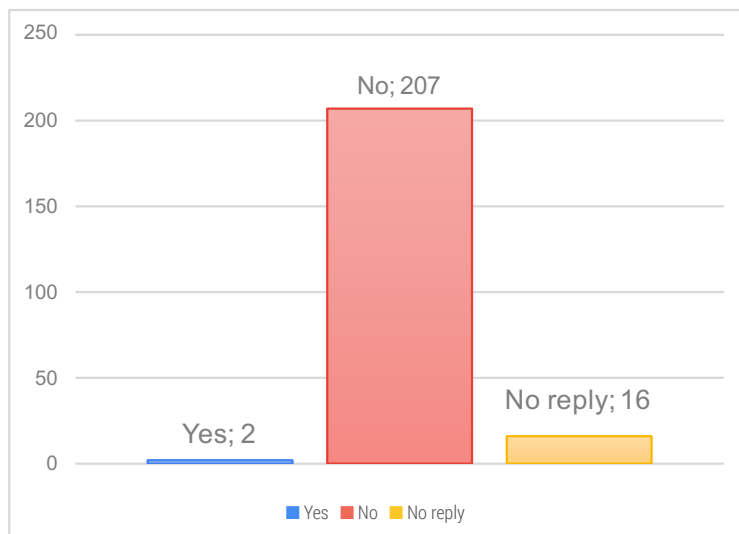
Q18 Were the documents in your case file conveyed to you in your mother tongue?



Yes

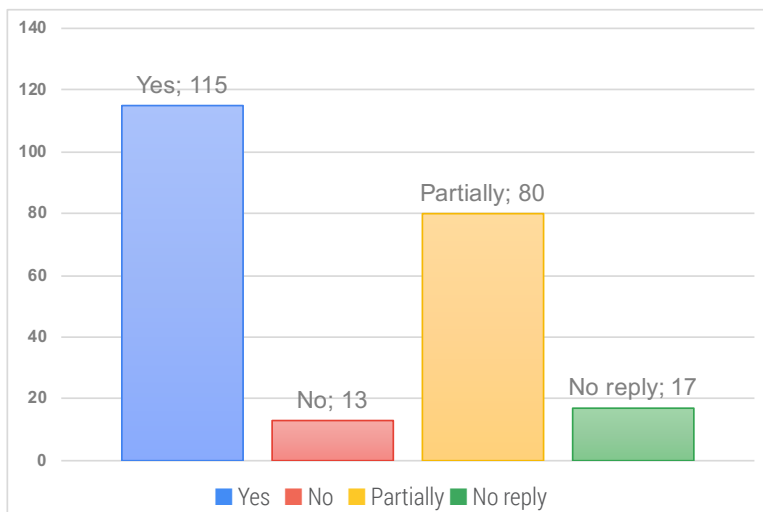
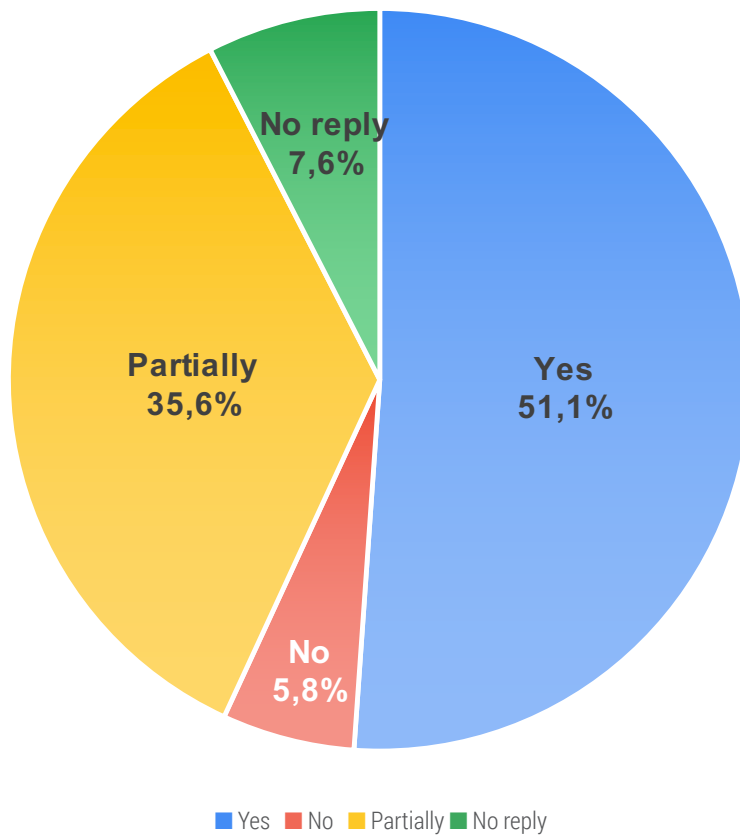
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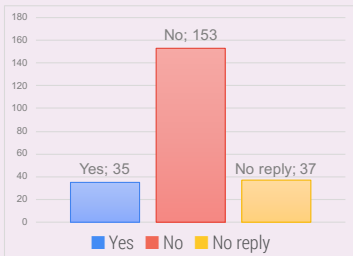
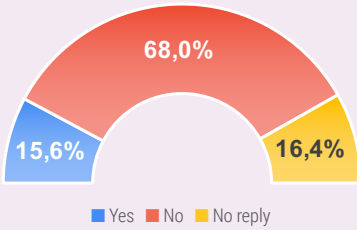


- Yes
- No
- No reply

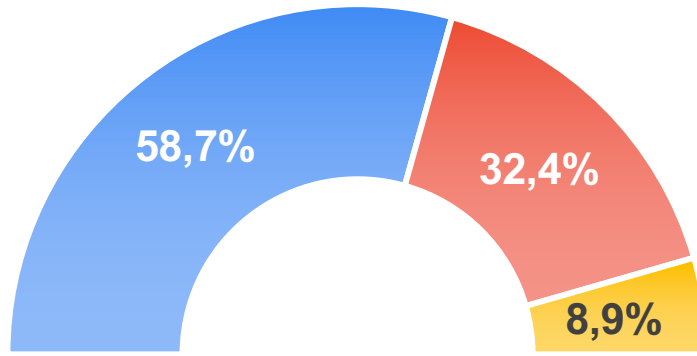
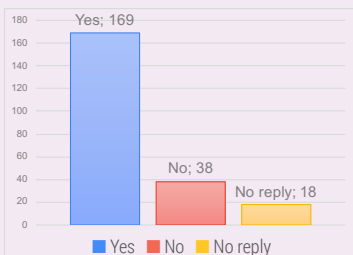
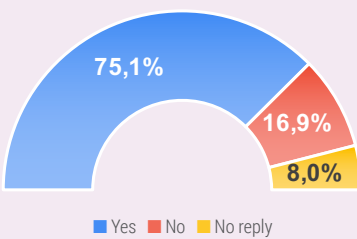
Q19 Did you understand the indictment prepared against you or the charges within the indictment?



Q20 In advance of the proceedings were you asked if you would accept to pay for an interpreter yourself?

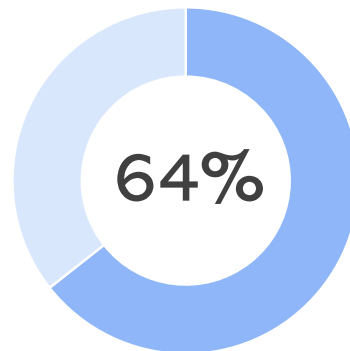
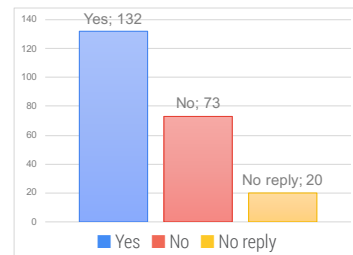


Q21 Did you know you had the right to use your mother tongue in the courtroom?

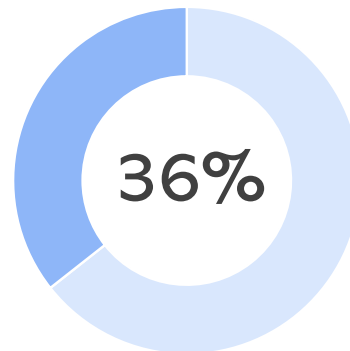


■ Yes ■ No ■ No reply

Q22 During the hearings, did you make a request to use your own language? (Either yourself or by way of your legal representation?)



Yes



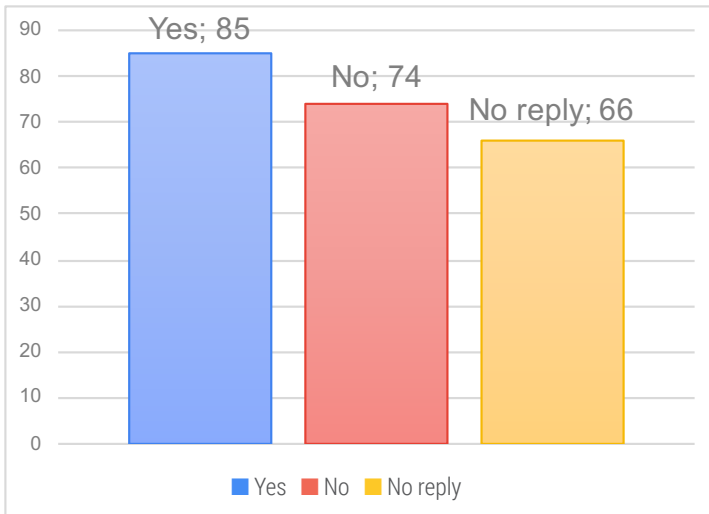
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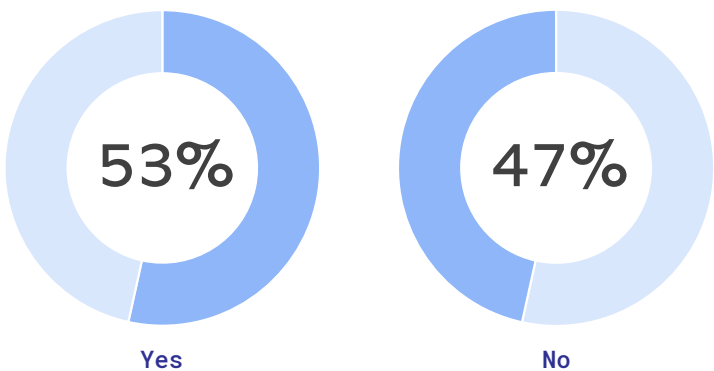
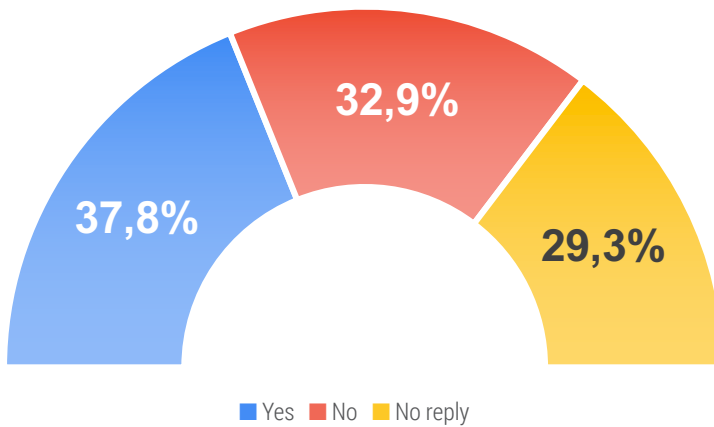
Q23 How was your language referred to in the court?

- *Kurdish*
- *Unknown language*
- *Turkish*
- *Other comments - My language was not considered as the language of a people but as propaganda for an organisation*
- *An unwanted language*
- *Do not remember*

* Chosen from 225 narrative answers



Q24 In the court, did you find any of the comments or responses on the part of the judge(s) and/or prosecutor out of place or belittling?



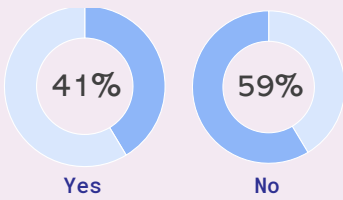
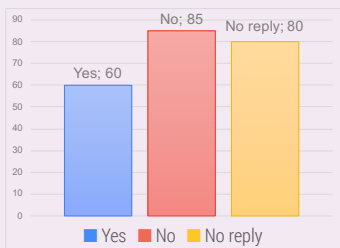
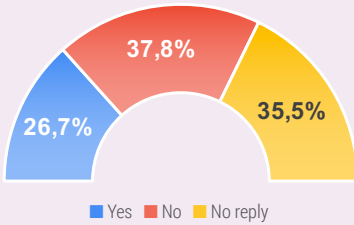
* Distribution as per the valid number of answers

Q25 If you answered 'Yes' to the above (Q24), please state what comment was made or response shown.

- You know Turkish and this is Turkey, why this insistence?
- It was denied in a discriminatory manner
- I was called a separatist terrorist
- Having it called an unknown language was the biggest insult

* Chosen from 225 narrative answers

Q26 Were you advised to forgo an interpreter in order to speed up proceedings?

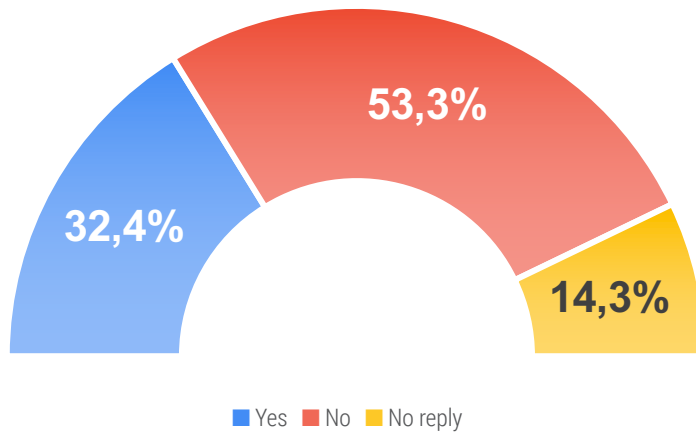


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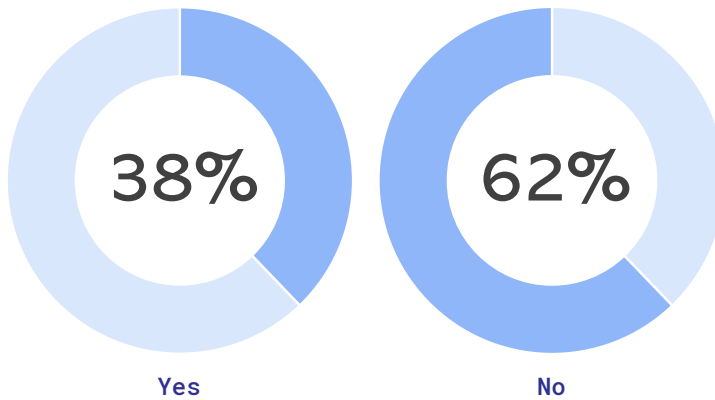
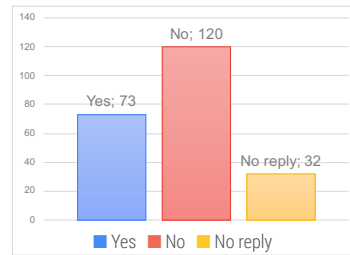
Q28 If the court did not allow you to use the Kurdish language, what reason(s) were given?

- Request not accepted
- No interpreter available
- There is no language known as Kurdish in Turkey
- They said, "This is the Republic of Turkey. The provision of our Constitution is such that you will give your indictment in the official language"

* Chosen from 225 narrative answers

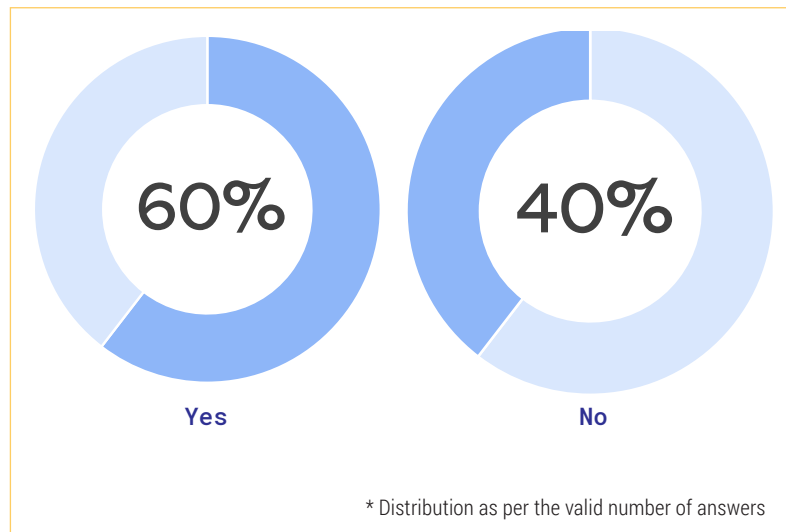
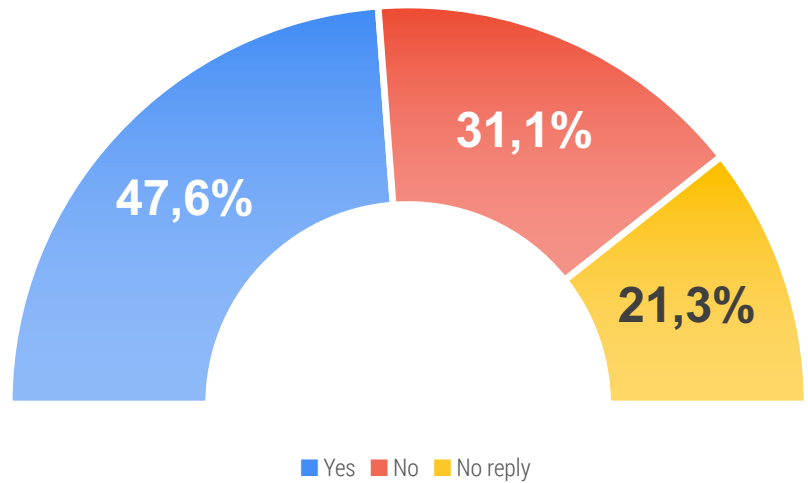
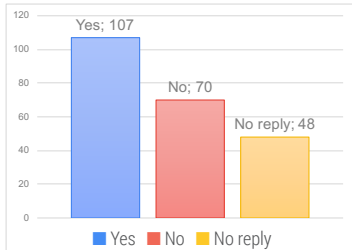


Q27 Did the court allow you to use the Kurdish language?



* Distribution as per the valid number of answers

Q29 Do you consider that an inadequacy in being able to understand or being understood affected the outcome of the trial?

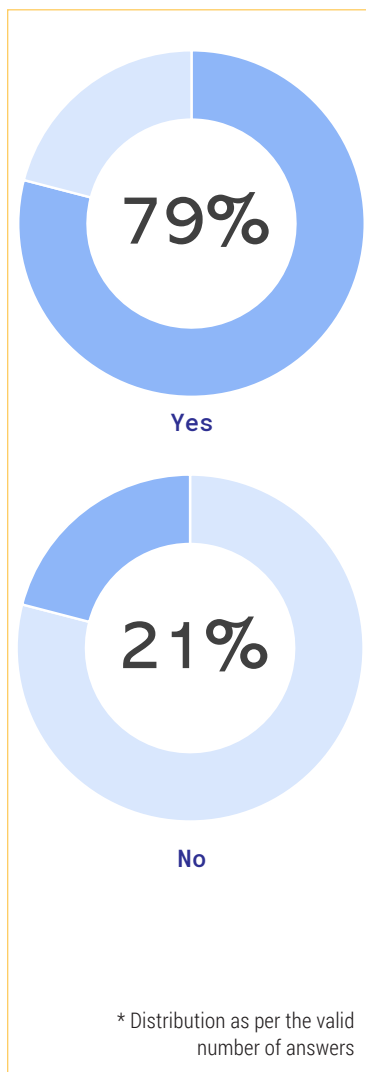
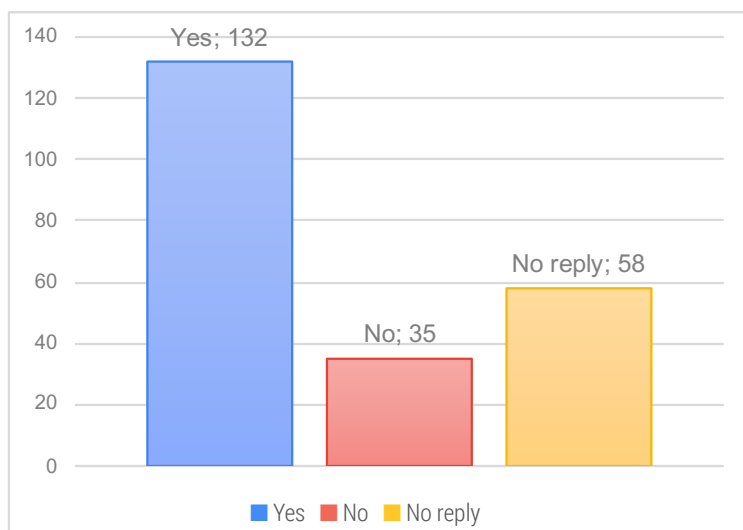
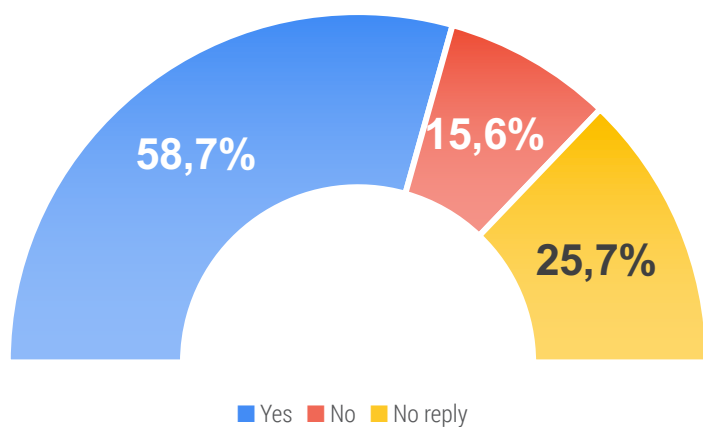


Q30 If you answered 'Yes' to the above (Q29), could you comment further?

- *Kurdish is my mother tongue and I can express myself more comfortably in my own language*
- *I was denied the right to express myself in my own language*
- *I think that there was an affect because of my being unable to fully express myself*
- *Statements given in police custody are not comprehensively translated, or are knowingly mistranslated*

* Chosen from 225 narrative answers

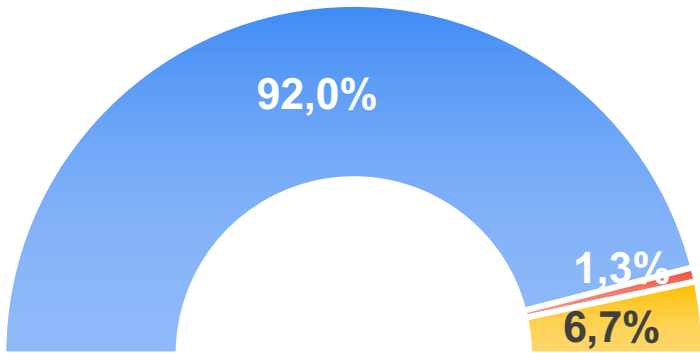
Q31 Do you think that the court may have acted towards you in a negative way because of your use of your mother tongue or your request to present your defence in your mother tongue?



Q32 If you answered 'Yes' to the above (Q31), can you comment on what kind of negative issue you experienced?

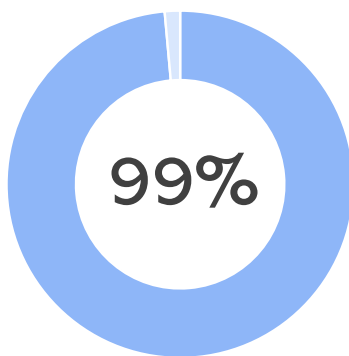
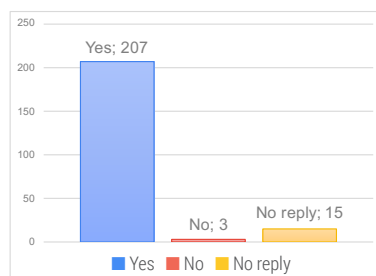
- *I was afraid that they would give a harsher punishment*
- *It's considered a political approach or form of protest and it increases the supposition that you committed the crime*
- *Prejudice*
- *I was not given the option to use my own language*

* Chosen from 225 narrative answers

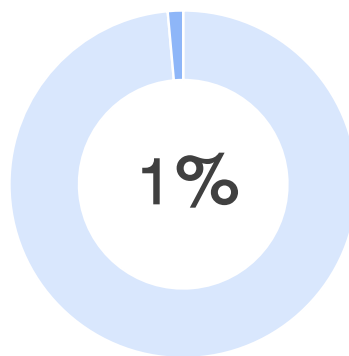


■ Yes ■ No ■ No reply

Q33 Would you like to see standardised, high quality, professional Kurdish/Turkish interpreting services provided in courts in Turkey?



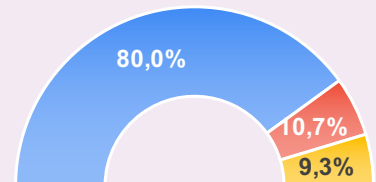
Yes



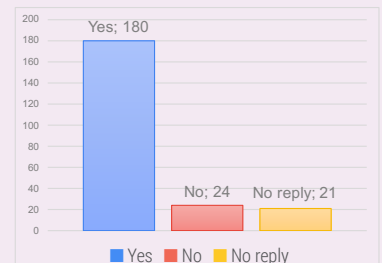
No

* Distribution as per the valid number of answers

Q34 Do you consider it a good idea to bring into place necessary standards and criteria by which Kurdish interpreters should abide?



■ Yes ■ No ■ No reply



Q35 Are there any further points you wish to share about your experience of requesting to use or of using your mother tongue in the courtroom?

- I was not even permitted to give my defence in my own language
- Everyone should be able to freely give their defence in their own language
- It should not be so difficult to give one's defence in one's mother tongue
- It is not a crime to use our language

* Chosen from 225 narrative answers

Interviews with Interpreters

In order to understand the provision of interpreting from the perspective of the interpreter-at-work, PEN Norway surveyed several interpreters working between Kurdish and Turkish, asking the following questions:

1) How long have you been working as an interpreter Kurdish-Turkish?

Respondent A: 2 years

Respondent B: 7 years

2) How often do you work as an interpreter in court?

Respondent A: I have attended 4 hearings so far

Respondent B: Such requests are very rare, some months we interpret for one or two cases, but sometimes we get no request for two months.

3) In your opinion, what is the standard of interpreting in general at all levels of the justice system? (this is not a reflection on your own skills, but in general) 1. Excellent 2. Adequate 3. Poor 4. Very poor 5. No comment.

Respondent A: 3. Poor

Respondent B: 4. Very poor

4) Do you think that a prejudice exists in the courtroom against defendants wishing to speak Kurdish? If yes, can you say more?

Respondent A: I cannot say that there is any prejudice against the Kurdish speaking defendants. Unfortunately, I am unable to tell whether this practice is different from the others, as I have not witnessed any other defences other than Turkish and Kurdish, but so far, I have not seen any negative behaviour.

Respondent B: Yes, you can clearly see the prejudiced approach in some courts and police stations. For instance, we encountered court members who displayed sarcastic attitudes when there were interruptions in dialogue between the defendant and the interpreter. We also encountered court members who claimed that an interpreter is unnecessary as the defendant could speak Turkish.

5) Have you ever experienced discrimination against a defendant in the courtroom for speaking Kurdish? If yes, can you please give one or more example of this.

Respondent A: I did not witness any discrimination against those who made their defence in Kurdish, I think that the presiding judges are more or less mindful about this and aware that this issue is a socially sensitive point.

Respondent B: At one of the recent hearings I attended, there was a disagreement between the presiding judge and the defendants. The judge raised their voice and admonished both the defendants and me loudly, which I believe reflects the biased stance of the court. I can provide additional instances.

6) Have you ever experienced discrimination from members of the judiciary due to your profession? If so, could you provide examples?

Respondent A: Since it is known that we are lawyers as well as Kurdish interpreters, I did not experience any ill-treatment by the judge or the panel in this regard.

Respondent B: I think it was an example of discrimination that the presiding judge shouted at me, admonished me and decided to award me a lower fee at the end of the trial. Likewise, some courts underpay the interpreters.

7) Do you receive equal pay compared to your colleagues who provide translation services in other languages?

Respondent A: Thus far, I have not requested any fees for interpretation services, and the courts have not issued any decisions regarding such fees.

Respondent B: I do not think that I am paid equally with interpreters of other languages.

8) Do you believe there is room for improvement in the provision of Kurdish-Turkish interpreters in court?

Respondent A: The problems experienced throughout all legal proceedings in Turkey are also encountered here; generally, interpretation also suffers within the flawed system. Some courts reject interpreters brought by defendants and lawyers, instead summoning them from a list, which leads to delays and prolongs the trial.

Respondent B: An improvement should definitely be made.

9) Would you approve of an independently monitored/run list of qualified interpreters in Turkey for courts in each region.

Respondent A: Of course, interpreters need to be supported by independent organisations, it is extremely necessary to promote the right to defence, especially defence in one's mother tongue. This should be encouraged, and objective reports should be drafted on the issue.

“The problems experienced throughout all legal proceedings in Turkey are also encountered here; generally, interpretation also suffers within the flawed system. Some courts reject interpreters brought by defendants and lawyers, instead summoning them from a list, which leads to delays and prolongs the trial.”

Respondent B: Yes, I do. The field of interpreting needs to have higher standards and must be approached seriously.

10) Do you think gender balance in such a list is attainable?

Respondent A: I think that a gender-based improvement or regulation would not be possible in any field let alone in interpreting, considering Turkey's current situation.

Respondent B: If there is will, of course, gender-based equality can be achieved. But I don't think the people in charge has it. I doubt they would prioritize creating gender-balanced lists, as the current method of list preparation lacks a well-developed approach.

11) What is the highest level of your qualification in Kurdish language, Turkish language and/or interpreting? High school diploma / University Degree / Post Graduate MA or PhD. And did you receive any training by the judicial system or on a university course?

Respondent A: I did not receive any undergraduate education to become an interpreter of Kurdish language. I learnt to speak Kurdish from my family, and to write and read Kurdish from books and trainings of some independent associations.

Respondent B: I have an associate degree, but it is not possible to get a formal education in the Kurdish language. For a while I attended the trainings of the Kurdish Language Institute in Istanbul. Kurdish is my mother tongue. I know it well.

12) Do you have any other comments?

Respondent A: If I need to add a few things in this regard, I believe that efforts to promote, elucidate, and widely disseminate the practice of defending oneself in all native languages, not just Kurdish, should increase rapidly. In this regard, I thank you all, thanks very much for all the efforts, wish you great success.

Respondent B: No further additions.

Interviews with Lawyers

In order to understand the situation from the perspective of lawyers working with Kurdish-speaking clients, PEN Norway surveyed several lawyers who work almost exclusively with Kurdish and Kurdish-speaking clients. The questions and selected responses are listed below.

1) As a lawyer, do you often represent people whose mother tongue is Kurdish or who speak only Kurdish in court?

Respondent A: While some courts allow a defence with an interpreter in every hearing, some courts state that the defendants have a right to make their defence with an interpreter only in the first hearing where the examination is undertaken and in the last hearing where the defence on the merits of the case is made. They do not allow a defence to be made with an interpreter in the rest of the hearings.

Respondent B: Not very often.

2) How often do your Kurdish-speaking clients request an interpreter?

Respondent A: We have clients who request an interpreter at every hearing, if they are under pre-trial detention. While some courts allow a defence with an interpreter in every hearing, some courts state that the defendants have a right to make their defence with an interpreter only in the first hearing where the examination is undertaken and in the last hearing where the defence on the merits of the case is made. They do not allow a defence to be made with an interpreter in the rest of the hearings.

Respondent B: They always do.

3) Have there been any cases where your clients, despite their native language being Kurdish, did not request an interpreter or were reluctant to do so? Under what circumstances did such examples occur / are occurring?

Respondent A: There is a long history of struggle by political prisoners for their right to defence in mother tongue. Given that this right was secured through political struggles, individuals inclined to exercise it hesitate to do so, fearing it could be construed as taking a certain political attitude. Since, from the state's point of view, it is acknowledged that the exercise of this right is gained as a result of a political struggle, the courts tend to handle such a request in a way to suggest that this is a politically motivated request. This situation prevents the exercise of the right.

Respondent B: Some clients may prefer to do so to avoid prolonging the process. This did not happen to me, but I have heard that certain clients avoided giving their defence statements in their mother tongue, especially at the investigation stages, for fear of being arrested.

4) Considering all stages of the judicial process, how would you rate the standards of Kurdish-Turkish translation services? (1 - Excellent, 2- Sufficient, 3- Poor, 4- Very poor, 5- No comment)

Respondent A: Poor for Diyarbakır, Very Poor for Turkey in general

Respondent B: Somewhere between poor and sufficient. It is not always possible to find good interpreters, especially in the small provinces of western Turkey (e.g. Kocaeli).

5) Do you think there is any prejudice against defendants who want to speak Kurdish during the trial? If you think there is this kind of prejudice, can you give more information?

Respondent A: Judges think about the exercise of the right as a politically motivated act and perceive this as a sign of an organisational attitude. And if the case does not allow them to rule in this vein, then the judges often try to prevent the right to defence in Kurdish by noting in the court proceedings that the person has attended school and thus proficient in Turkish.

Respondent B: For us it is obvious, as I overheard people say things such as “Had you spoken Turkish, you and I would have been acquitted”. It is obvious that there is prejudice and threat. Apart from making it obvious with their statements, the panels of judges also show by their attitudes and behaviour that they are bored with a defence in their mother tongue and especially with the translation process. Speaking Kurdish, the mother tongue of the defendants, is seen as an organisational attitude, just like exercising the right to remain silent; thus, the panels of judges and prosecutors criminalise the exercise of a fundamental right.

6) Has there ever been a case where a defendant spoke Kurdish, and it affected the outcome of the case?

Respondent A: I would like to give an example from an incident I experienced years ago at 10th High Criminal Court of Diyarbakır. My client made their defence in Kurdish every hearing and were not released. In the last hearing, they made their defence in Turkish because an interpreter could not be found, and they were released. Another defendant, facing the same situation as my client, appeared in the subsequent hearing but was not released that day because they wanted to make their defence in Kurdish. Moreover, we believe that in some of our cases, our clients’ releases were prevented due to courts’ view on the defences made in Kurdish. On the other hand, we witness that some courts and judges are unprejudiced in this regard.

Respondent B: No concrete examples as such, but you can sometimes feel it.

“Seeking some extra income, the court clerks apply to be included in such lists of interpreters, which are filled with unqualified interpreters who fails to remove the language barrier. Instead of translating, these interpreters often summarise what has been said or make their own interpretations. This leads to an inadequate translation service.”

7) Do you believe that the provision of Kurdish-Turkish interpretation services in courts should be improved?

Respondent A: Some courts allow us to arrange an interpreter with our own means, while others only accept interpreters who are on the list of experts. Seeking some extra income, the court clerks apply to be included in such lists of interpreters, which are filled with unqualified interpreters who fails to remove the language barrier. Instead of translating, these interpreters often summarise what has been said or make their own interpretations. This leads to an inadequate translation service. Of course, it is an area that needs to be improved.

Respondent B: The competence of the interpreters must certainly be supervised. The interpreter who fails to meet the standards should be noted and there should be a process of supervision. Sometimes, in good faith, judges ask for support from lawyers or court clerks who speak Kurdish. Improvement is needed even for this reason, because the most basic principles of judgement are violated (just to give an example).

8) Would you support the idea of drawing up a list of qualified interpreters for courts in all regions of Turkey, which would be independently monitored and supervised?

Respondent A: Of course, we are in favour of any independent support for them. Nevertheless, these individuals are included in the lists of experts and can promptly be removed from those lists based on any security inquiry. Such a risk makes it impossible for experts to stand in the same picture with such qualified and independent structures. For many, interpretation serves as an additional source of income, which leads them to make a special effort to exhibit bias in favour of the state to safeguard this opportunity.

Respondent B: As I mentioned above, supervision is very important. Otherwise, unqualified interpreters can continue to work in the same way.

9) Do you think a gender-based equality / balance can be achieved in such a list?

Respondent A: Since most interpreters are courthouse employees, especially court clerks, a gender balance is almost impossible attain. It is almost impossible to find a female interpreter in Diyarbakır, except for two or three female lawyers. The fact that most of the court clerks are male tips this balance.

Respondent B: Even without this specific purpose in mind, it is achievable since the number of female interpreters is quite high. This is very important because not everyone feels comfortable communicating with others, this is true especially for victims.

Conclusion and recommendations

The results of our Kurdish Linguistic Rights in the Courtroom survey conducted by two lawyers on behalf of PEN Norway in 2022/3 with a draft report published in 2023, surveying 225 defendants whose first language was Kurdish, and who were either detained in prison or had been a defendant in a court case in Turkey at any level within the judicial system (Civil to High Criminal Court) between 2016-2022, were conclusive in demonstrating:

a) the ongoing outright prejudice against both the language itself and the defendants expressing a wish to use that language,

b) that, in the opinion of those surveyed, their choice to use their first language did, in their opinion, have a detrimental effect of the outcome of their case,

c) that 99% of defendants surveyed were not informed by the police taking their initial statements (so many of which go on to constitute the basis of entire indictments) of their right to give their statements in their first language,

d) that the charges, prior to their giving a statement, were not explained to 62% of defendants surveyed in their first language, or in a language that they could best understand,

e) that, although 52% of defendants surveyed expressed the wish to use their first language (either during the giving of their statement or during their trial) 63% of those requesting was denied,

f) that 78% of defendants surveyed did not think the interpreter accurately conveyed their statements (spoken testimony) to the court,

g) that 68% of defendants surveyed stated that the judge made remarks about their request to use Kurdish, many of which, when one looks at the narrative answers, were derogatory, referring to Kurdish at best as an 'unknown language',

h) that the court documents were not explained to 99% of defendants surveyed in their first and best-known language,

i) that 53% of defendants surveyed were advised to forgo an interpreter in order to speed up proceedings, and that,

j) 47% of defendants believed that an inadequacy in being able to understand or being understood affected the outcome of the trial,

The aforementioned is a clear demonstration that Article 5 of the ECHR is not being upheld by what appears to be the majority of courts in Turkey. The survey, that was conducted among prisoners and defendants country-wide, contains serious narrative claims of personal and cultural insult to defendants on the part of the judiciary and clear violation of their linguistic rights.

In terms of the level of qualification and professionalism displayed by court room interpreters in Turkey, the survey found that:

- a. that 99% of defendants surveyed stated that they would like to see standardised, high quality, professional Kurdish/Turkish interpreting services provided in courts in Turkey,
- b. that 79% of defendants surveyed felt that the court may have acted towards them in a negative way because of their use of their mother tongue or their request to present their defence in their mother tongue,
- c. 92% of defendants surveyed were in favour of bringing into place necessary standards and criteria by which Kurdish interpreters should abide.

We consider the current provision, of swearing one's adeptness at a Notary Public and then being added to a regional list to be woefully inadequate, especially in these times (increasingly, year upon year) since 2016/18 in Turkey where the rule of law has been in an ever-growing crisis.

The arrest, pre-trial detention and jailing of Kurdish media workers and journalists continues apace in 2024 with the ongoing trial of 18 journalists in Diyarbakir and multiple arrests throughout the year, notably of 121 persons that included 8 journalists on 26 November 2024.

The provision in Article 202 of Turkey's Code of Criminal Procedure (CCP) does not, in our opinion, sufficiently support the suspect's linguistic rights or their right to a fair trial as it is supposed by this law that the translation of 'essential points' of the allegation is sufficient to inform the suspect of the allegations and details of the case.

Insufficient provision is made for all those who wish to have *full* interpretation of the indictment, of more than 'essential points of an allegation'. Furthermore, Article 202's paragraph b) contains inherent bias against the suspects/defendants by claiming that the 'privilege' of having an interpreter must be met financially by the defendant and also that the use of an interpreter when giving one's defence in Kurdish must 'not be exploited with the intent to stall the trial'. The right to have an interpreter and to understand the judicial process fully, in a language that one best understands is a human right enshrined in Article 5 of the European Convention on Human Rights and is therefore a legal right, rather than a privilege.

'(Art 202) (b) and on the opinion of the merits of the case, the defendant may present their oral defence in a language they state allows them to express themselves most effectively. In this case, the interpreting services shall be provided by the interpreter chosen by the defendant from the list compiled pursuant to Paragraph 5. The expenses of this interpreter shall not be covered by the State Treasury. This privilege shall not be exploited with the intent to stall the trial.'

Recommendations:

1. It is recommended by PEN Norway that the authorities in Turkey establish an independent body to train, examine (bi-annually) and maintain a register of qualified interpreters in Kurdish-Turkish legal interpreting. Serious attempts should be made to ensure gender balance on said register.
2. We further recommend that courses, such as that held in conjunction between TOHAV (Toplum ve Hukuk Araştırma Vakfı) and PEN Norway beginning 14 October, 2024 in Istanbul, Turkey in which 15 interpreters received 12 training sessions focusing on the law in general, on sight translation, Turkish-Kurdish and Kurdish-Turkish written, consecutive and simultaneous interpreting, as well as an initial lecture on ethics and impartiality in relation to courtroom interpreting, be offered not only in Kurdish and Turkish legal interpreting, but for all languages supported in the courts in Turkey, countrywide.
3. We further recommended, here, that a committee of experts should be established to assess the need for an independent institution to initiate and oversee examinations for a qualification in interpreting and translating in the courtroom.
4. It is recommended that the UK's Institute of Linguists and its DPSI (Diploma in Public Service Interpreting)¹ is taken as a model and that care is taken and investment made to consult and to begin to implement such a system via an independent institution in Turkey.
5. We would recommend that, whilst the Kurdish language remains such a source for discrimination in the judicial system, steps are taken to further protect and ensure the rights of its speakers in the courts at every level in Turkey, either by way of the establishment of a category for signatories to the Charter on Regional or Minority Languages that can be signed (and on examination, current signatories have the option to 'select' the categories they wish to implement) by member states of the Council of Europe rather than only the EU, or by way of more stringent articles being added to existing legislation in order to address the lack of regulation of interpreting in the courtrooms in Turkey.
6. We would recommend that the authorities in Turkey enter into dialogue with the relevant offices in the Council of Europe's Directorate-General for Neighbourhood and Enlargement Negotiations in order to discuss funding and training for such crucial reforms in the securing of linguistic rights within the judicial system in Turkey.

1 <https://www.ciol.org.uk/dpsi>

Questions	Yes:	No:	No reply:	Yes %	No %	No reply %
In the past 5 years have you been either a suspect or a defendant in a court case?	Yes: 215	No: 10	No reply: 0	95.56%	4.44%	0.00%
Were the charges against you and your legal rights explained to you in a language that you understand prior to your giving a statement?	Yes: 79	No: 139	No reply: 7	35.11%	61.78%	3.11%
When the police/prosecutor took your statement and during the legal/civil judge's interrogation were you informed that you had the right to use your own language?	Yes: 2	No: 217	No reply: 6	0.89%	96.44%	2.67%
During the taking of your statement and/or the duration of the judge's questioning, did you express your wish to use your mother tongue?	Yes: 118	No: 93	No reply: 14	52.44%	41.33%	6.22%
Was the above request granted?	Yes: 44	No: 110	No reply: 71	19.56%	48.89%	31.56%
Did finding an interpreter make the time taken to give your statement longer?	Yes: 44	No: 42	No reply: 139	19.56%	18.67%	61.78%
Do you think that the interpreter accurately convey to you the charges against you, the questions being asked and your statements?	Yes: 19	No: 67	No reply: 139	8.44%	29.78%	61.78%
When you requested to use your mother language during the interrogation process did the police, prosecutor or judge make any comment or show any reaction?	Yes: 86	No: 41	No reply: 98	38.22%	18.22%	43.56%
Were you convicted by the court?	Yes: 130	No: 75	No reply: 20	57.78%	33.33%	8.89%
If you were convicted following the interrogation process do you think that requesting to give and/or giving your defence in your mother tongue made a difference to your case?	Yes: 77	No: 45	No reply: 103	34.22%	20.00%	45.78%
Were the documents in your case file conveyed to you in your mother tongue?	Yes: 2	No: 207	No reply: 16	0.89%	92.00%	7.11%
Did you understand the indictment prepared against you or the charges within the indictment?	Yes: 115	No: 13	Partially: 80 No reply: 17	51.11%	5.78%	7.56% Par: 35.6%
In advance of the proceedings were you asked if you would accept to pay for an interpreter yourself?	Yes: 35	No: 153	No reply: 37	15.56%	68.00%	16.44%
Did you know you had the right to use your mother tongue in the courtroom?	Yes: 169	No: 38	No reply: 18	75.11%	16.89%	8.00%
During the hearings, did you make a request to use your own language? (Either yourself or by way of your legal representation?)	Yes: 132	No: 73	No reply: 20	58.67%	32.44%	8.89%
In the court, did you find any of the comments or responses on the part of the judge(s) and/or prosecutor out of place or belittling?	Yes: 85	No: 74	No reply: 66	37.78%	32.89%	29.33%
Were you advised to forgo an interpreter in order to speed up proceedings?	Yes: 60	No: 85	No reply: 80	26.67%	37.78%	35.56%
Did the court allow you to use the Kurdish language?	Yes: 73	No: 120	No reply: 32	32.44%	53.33%	14.22%
Do you consider that an inadequacy in being able to understand or being understood affected the outcome of the trial?	Yes: 107	No: 70	No reply: 48	47.56%	31.11%	21.33%
Do you think that the court may have acted towards you in a negative way because of your use of your mother tongue or your request to present your defence in your mother tongue?	Yes: 132	No: 35	No reply: 58	58.67%	15.56%	25.78%
Would you like to see standardized, high quality, professional Kurdish/Turkish interpreting services provided in courts in Turkey?	Yes: 207	No: 3	No reply: 15	92.00%	1.33%	6.67%
Do you consider it a good idea to bring into place necessary standards and criteria by which Kurdish interpreters should abide?	Yes: 180	No: 24	No reply: 21	80.00%	10.67%	9.33%

* Open-ended narrative responses have been excluded from this table.

The background of the central graphic is a dark red field filled with a dense, overlapping pattern of various characters and symbols from different languages and alphabets, including Latin, Greek, and Cyrillic. The word "pen" is written in a large, bold, white, lowercase sans-serif font, with "INTERNATIONAL" in a smaller, white, uppercase sans-serif font directly beneath it.

pen
INTERNATIONAL

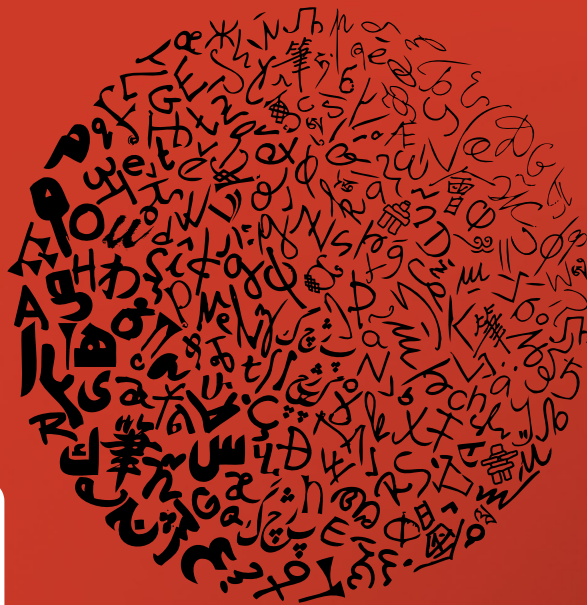
Girona Manifesto on Linguistic Rights

**Promoting Literature,
Defending Freedom of Expression**

PEN International brings together the writers of the world. Developed in Girona (May 2011) by the PEN International Translation and Linguistic Rights Committee, ratified by the PEN International Assembly of Delegates at the 77th Congress (September 2011), this Manifesto declares PEN International's ten central and guiding principles on linguistic rights.

- 1. Linguistic diversity is a world heritage that must be valued and protected.**
- 2. Respect for all languages and cultures is fundamental to the process of constructing and maintaining dialogue and peace in the world.**
- 3. All individuals learn to speak in the heart of a community that gives them life, language, culture and identity.**
- 4. Different languages and different ways of speaking are not only means of communication; they are also the milieu in which humans grow and cultures are built.**
- 5. Every linguistic community has the right for its language to be used as an official language in its territory.**
- 6. School instruction must contribute to the prestige of the language spoken by the linguistic community of the territory.**
- 7. It is desirable for citizens to have a general knowledge of various languages, because it favours empathy and intellectual openness, and contributes to a deeper knowledge of one's own tongue.**
- 8. The translation of texts, especially the great works of various cultures, represents a very important element in the necessary process of greater understanding and respect among human beings.**
- 9. The media is a privileged loudspeaker for making linguistic diversity work and for competently and rigorously increasing its prestige.**
- 10. The right to use and protect one's own language must be recognized by the United Nations as one of the fundamental human rights.**

pen
INTERNATIONAL



PEN International promotes literature and freedom of expression and is governed by the PEN Charter and the principles it embodies—unhampered transmission of thought within each nation and between all nations. Founded in London in 1921, PEN International connects an international community of writers. It is a forum where writers meet freely to discuss their work. It is also a voice speaking out for writers silenced in their own countries. Through its Centres, PEN operates on all five continents with 146 centres in 102 countries.

To learn more about the Girona Manifesto on Linguistic Rights, visit www.pen-international.org/who-we-are/translation-linguistic-rights/girona-manifesto/girona-manifesto-on-linguistic-rights/

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Brownlow House, 50-51 High Holborn,
London, WC1V 6ER. United Kingdom.
Tel: +44 (0)20 7405 0338

www.pen-international.org

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