

Cadoret and Le Bihan v. France (Communication No. 323/1988: France. 11/04/91. CCPR/C/41/D/323/1988)

From DADEL

1) Reference Details

Jurisdiction: United Nations Human Rights Committee

Date of decision: 11 April 1991

Link to full case:

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/d2a6d72d1997f440c1256b1700335d0c?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/d2a6d72d1997f440c1256b1700335d0c?Opendocument)

2) Facts

The authors of the communications are Yves Cadoret and Hervé Le Bihan, French citizens. They claim to be the victims of a violation by France of articles 14, 19, 26 and 27 of the International Covenant on Civil and Political Rights ("Covenant").

The authors were charged with vandalizing three road signs near Rennes in June 1984. They appeared before the Tribunal Correctionnel of Rennes on 20 March 1985. They claim they were not allowed to express themselves in their mother tongue, Breton, and that the three witnesses they had called were also unable to testify in the Breton language. The authors did not provide information about the sentences they received but stated that they appealed the decision of the Tribunal Correctionnel. At its hearing of 23 September 1985, the Court of Appeal of Rennes allegedly did not allow them to testify in Breton. The authors claimed that they were denied a fair trial, in violation of article 14, paragraphs 1 and 3 (e) and (f) because they were denied the right to express themselves in Breton before the French courts and therefore did not testify. Mr. Cadoret further contended that the denial of the use of Breton before the courts constitutes discrimination on the ground of language.

3) Admissibility

The Committee observed that the authors sought the recognition of Breton as a vehicle of expression in Court. It recalled that domestic remedies need not be exhausted if they objectively have no prospect of success. The Committee explained that this is the case where, under applicable domestic laws, the claim would inevitably be dismissed, or where established jurisprudence of the highest domestic tribunals precluded a positive result. The Committee noted that the French Government does not recognize the existence of minorities in the Republic, defined, in article 2 of the Constitution, as "indivisible, secular, democratic and social". The Committee concluded that there were no effective remedies that the authors should have pursued to allow them to use Breton in court. The Committee declared the communications admissible in so far as they appeared to raise issues under articles 14 and 26 of the Covenant.

4) Merits

The Committee observed that article 14 of the Covenant is concerned with procedural equality and it enshrines, in particular, the principle of equality of arms in criminal proceedings. In the Committee's opinion, the requirement on the use of one official court

language by State parties to the Covenant does not violate article 14 of the Covenant. If a citizen is capable of expressing himself adequately in the official language, the requirement of a fair hearing does not mandate State parties to provide the services of an interpreter. The Committee held that in the present case the authors did not suffer discrimination under article 26 on the ground of their language.

5) Decision

The Committee held that the facts before it did not reveal a violation of any of the provisions of the Covenant.