

Summary of Case № AJB-496/2018

Follow-up visit to the Central Holding Facility of the Budapest Metropolitan Police Headquarters

The National Preventive Mechanism (hereinafter the “NPM”) paid a follow-up visit to the Central Holding Facility of the Budapest Metropolitan Police Headquarters (hereinafter the “Central Holding Facility”) on February 8, 2017. The NPM visited the Central Holding Facility for the first time on October 13-14, 2015. At the time of the NPM’s first visit, the ceiling in many rooms of the Central Holding Facility was leaking; the walls were covered with dirt and mould. The rooms in which the staff could stay and the kitchens were in poor condition. The natural lighting was not satisfactory in the staff’s rest-room and in the detainees’ cells. In the staff’s locker room the doors of the lockers were cracked, there was not enough space and the condition of the shower was bad, too. Even the most essential working conditions were not provided. In the staircase of the Central Holding Facility, there were several dents on the heating pipe. The premises of the Central Holding Facility could be observed on surveillance monitors, which were in poor condition, in the room of the commander of the guards. There were many blind spots in the areas observed by the cameras, e.g., on the landings of the staircases.

The living space in the cells did not reach the statutory minimum size. The walls of the cells were covered with dirt spots, and the linoleum cover was peeling off the floor in many places. The detainees used a shared bathroom; they could only go to the toilet if they called for a guard to open the door of the cell. The courtyards of the Central Holding Facility were under water. These circumstances made the Central Holding Facility inadequate for human stay.

Detainees were examined by a doctor prior to admission. In the course of the examination the police officers stayed within seeing and hearing distance, so the requirement of independent medical examination was not met.

The content of the admission declaration should be explained in a comprehensible manner to the detainees with special regard to the illiterate ones. It should be ascertained whether the detainee understood the content of the admission declaration.

The follow-up visit has discovered that the circumstances of detention did not improve at all since the previous visit. The requirement of independent medical examination has not been fulfilled so far in the course of the medical examination prior to admission since, besides the medical staff, the police officers were present within hearing distance.

The detainees were not provided with a short, easy to understand information paper which could facilitate the understanding of the currently used lengthy, ambiguous admission declaration.

In the interviews conducted in the course of the follow-up visit, many detainees complained that they had been transferred to the Central Holding Facility late night, so they could not eat, they were hungry. They were not asked by the guards if they wanted some food. In that case, their next meal would be breakfast. In the NPM’s view, food should be offered to the detainees transferred during the night. It would be practical if non-perishable food were stored in the Central Holding Facility for the case where detainees would ask for food.

The placement of the detainees in single cells, in certain cases, could have an effect identical to that of solitary confinement. It has to be pointed out that the detainees were not kept in solitary confinement in the Central Holding Facility. Placing the detainees alone in a cell cannot result in the significant restriction of communication possibilities, and it cannot lead to segregation. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) emphasizes¹ that solitary confinement can have an extremely damaging effect on the mental, somatic and social health of those concerned. The physician of

¹ Point 51 of the 21st General Report of the CPT [CPT/Inf (2011) 28]

the Central Holding Facility, in a justified case, can recommend not to place the detainee alone in a cell, which may not be overruled by the body responsible for detention. When placing the detainees, the management should aim, to the extent possible, not to put them in a cell alone, while bearing in mind the requirements of isolation and secure detention.

The detainees did not have access to books, newspapers, television or radio. Providing reading materials could lend some meaning to the detainees' idle time.

The window opener was out of order in the female detainees' cell, so ventilation was not adequate either. Many detainees complained that they could take a shower only in cold water, some of them saw insects on the premises. The furniture was cracked, the linoleum cover was peeling off the floor. There were dents on the heating pipe in the staircase of the Central Holding Facility. In the cells the natural lighting was not satisfactory, the staff members and the detainees complained about the flickering neon tubes. There was no toilet in the cells of the detainees; the guards let them out there. According to the detainees, the guards reacted with a significant delay to their signals.

The courtyard was in a very much degraded condition, too. The renovation may not be postponed. According to the 2016 Annual Report of the Budapest Metropolitan Police, the sanitary units were worn and covered in limescale; they required renovation. Partial refurbishment works have been done; nonetheless, the Central Holding Facility has to be completely renovated. According to the information provided to the NPM, HUF 320 million have been reserved for the renovation of the Central Holding Facility.

The working conditions of the staff have not changed either: according to the guards, rest-rooms and locker rooms should be renovated as soon as possible. Natural lighting was very weak in the rooms of the staff members.

There have been cases when the detainees, after being admitted to the Central Holding Facility, could not inform their relatives.

It can be concluded that neither the circumstances of detention nor the working conditions of staff members have improved in the Central Holding Facility. Due to the inadequate lighting of the premises, the dirty, mouldy walls, the worn furniture, and the degraded courtyard, the Central Holding Facility should be completely renovated.

The NPM has called upon the Chief of the Budapest Metropolitan Police to tackle the improprieties stated in the report.