

Summary of Case Report AJB-6175/2020

On 18 September 2020, the Commissioner for Fundamental Rights, who is responsible for performing the tasks of the OPCAT National Preventive Mechanism (hereinafter the "NPM") and his staff members paid a visit to the Guarded Shelter of the Szabolcs-Szatmár-Bereg County Police Headquarters (hereinafter the "Guarded Shelter").

The purpose of the visit was to investigate into the complaints received by the Office of the Commissioner for Fundamental Rights and to monitor the impact of the measures taken with regard to the prevention and treatment of COVID-19 cases.

At the time of the visit, 40 persons were present at the Guarded Shelter, all of them men. Among the detainees, there were 3 Afghan, 1 Algerian, 4 Indian, 1 Iraqi, 1 Jordanian, 1 Cameroonian, 2 Chinese, 1 Kosovan, 1 Libyan, 1 Malian, 1 Moldavian, 6 Nigerian, 2 Russian, 1 Armenian, 4 Pakistani, 1 Senegalese, 2 Syrian, 1 Togolese, 1 Turkish and 2 Vietnamese citizens. According to the information received from the head of the Guarded Shelter, all detainees were expelled persons.

The Guarded Shelter had 60 positions for the official staff, out of which 2 were not filled. The number of armed force guards was 160, out of which 5 positions were not filled. 11 women worked as official staff members and there were 23 women working in the armed force guard. 87.5% of the staff spoke languages, mainly German, English, Romanian, and French. Many of the armed guards spoke Russian.

The Office of the Commissioner for Fundamental Rights received complaints about the detainees at the Guarded Shelter having gone on hunger-strike. At the time of the visit, there were 3 detainees who regularly did not accept the food. According to the statement of the staff, the detainees involved in the hunger-strike occasionally buy items in the prison canteen and eat some food. The visiting group interviewed all the 3 detainees affected by the hunger-strike, and they thought that they were in a good physical condition, although they did not undergo a medical examination.

The detainees complained that when they had a medical problem, they only received painkillers. One detainee was sometimes feeling dizzy and sweating, in his opinion, his blood pressure could have been high but the physician did not examine him. Other complaints were symptoms of haemorrhoid, limb and tooth pains. The fact that the detainees with medical problems were not examined by the physician established an impropriety with regard to the right to the physical and mental health of the detainees. The report asked the head of the Guarded Shelter to ensure the medical examination of those detainees who have problems with their health.

When the visiting group arrived at the cell-block, the detainees were shouting, the atmosphere was tense. Out of the interviews made with the detainees, it turned out that this situation was caused by the uncertainty of the outcome of their legal procedures and having left their families behind. Due to these facts, the detainees were in a bad mental state, which caused an impropriety with regard to the right of the detainees to mental health.

The report asked the National Director-General for Aliens Policing to inform the detainees of their possibility to ask for a personal hearing in the judicial procedure for prolonging their custody in a way that they can understand their rights in the procedure.

With regard to the material conditions, the availability of a unit suitable for the isolation of the persons infected by COVID-19, and a separate unit for the quarantine cases could ensure a proper placement for the detainees.