

**Summary of Case Report № AJB-501/2018 of the OPCAT Visit to Unit 1 of the Budapest  
Remand Prison**  
(March 28, 2017)

The National Preventive Mechanism (hereinafter the “NPM”) paid a visit to Unit I of the Budapest Remand Prison (hereinafter the “Institution”) on March 28, 2017. The delegation of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter the “SPT”) visiting Hungary, joined the visit as an observer<sup>1</sup>.

A member of the guards was continuously making notes and stayed within hearing distance in the course of the interviews carried out with the detainees and the staff members. He had to be warned many times to move farther. Given these circumstances, several interviews were carried out in a strained atmosphere and the observance of the principle of confidentiality could not be ensured.

258 persons were placed in the authorized 153-person capacity of the Institution, so the level of overcrowdedness was 168%. Prior to reception to the Institution, the detainees undergo a medical examination. In the course of the medical examination, the generally expected empathy was not provided, the examination was negligent. The medical staff members’ attitude towards the detainees was humane and professional. The reception rooms were to be found in the basement of the Institution; the size, the lighting and the ventilation of the rooms did not make it possible to establish a proper, intimate situation between the examining physician and the patient to be examined. The detainees felt it humiliating that during the medical examination, not only the medical staff but the guards were present, too.

The staff’s overload was significant because of the shortage and high turnover rate of the staff. The Institution was continuously working on the improvement of its retention capacity and applied new recruiting methods.

The placement conditions were quite unsatisfactory in the Institution. The wet walls in the basement caused a constant problem. The water and electrical network needed permanent maintenance. The equipment and furniture of the cells had to be repaired regularly because of the high detainee turnover. In some private cells, the living space per capita did not reach 6 square meters. In joint cells, the statutory requirement of living space was met. The lighting and ventilation were not satisfactory in many cells because of the view blocker set up in front of the window and the faulty extractor fan. In numerous cells the toilet seat and cover were missing. The cell in which the female detainees were waiting was in a very neglected condition. The female detainees reported that sometimes as many as 10-12 people were crammed in the cell.

In the showers used by the inmates, the faucets were missing, pipes and pointed faucet studs were out of the wall; the walls were covered by mould. There was graffiti scratched by sharp objects in a shower, which suggests that the detainees could carry sharp objects with them, meaning a risk to the security of the inmates and staff members. Some detainees claimed that cockroaches and bugs were nesting in the cells.

Certain inmates reported that the staff members talked to them in a derogative and humiliating manner and the guards reacted to their signals too late.

The detainees were watching TV during the day, not everyone was going out into the fresh air for their daily one hour leave. The inmates said they could not do any meaningful activities during the day, very few programs were available to them.

The inmates were given poor quality plastic cutlery, which broke and they had to eat without cutlery for some time. They could only use cutlery again if they bought it for themselves from the shop of the Institution. The detainees were not provided with vegetables, fruits, milk and dairy products frequently enough. The calorie value of the special diet menus indicated a significant fluctuation. During the catering and shipping of the food, heat retaining boxes were not applied. The menus were not hung on the walls in the Institution.

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<sup>1</sup> See points 43-48 of the SPT Report on the visit. (CAT/OP/HUN/R.2.)

The communication of the detainees with the outside world could be realized by receiving visitors, sending or receiving packages, leaves or evenings out, sending and receiving letters. Many foreign detainees lived in the Institution. One of them was complaining that he could not communicate with the staff members in an adequate way. Another foreign inmate requested to be moved to a cell where detainees spoke a common language that he also understood.

The narrow slot in the visitor reception premise made it more difficult to transfer bigger piles of documents. A playing corner for children was set up in the Institution, taking into account the aspect of child-friendly visitor reception.

The detainees claimed that the inmates in the Institution had been handcuffed to the radiator. The staff members of the NPM examined the scenes of the alleged handcuffings, where the painting wore off from the pipe of a radiator. This could confirm the detainees' allegations. In order to clarify the allegations, the NPM requested and analyzed several randomly chosen CCTV recordings. One of the recordings showed that an inmate had been handcuffed to the radiator, almost for half an hour, and a head protector had been put on his head. Based on the recording, this incident did not shock the persons passing by. The governor of the Institution said that the detainee had been handcuffed to the radiator in order to prevent self-harming behavior and a possible attack. Section 22, Subsection (1) of Act CLXIII of 2011 on the Prosecution Service stipulates that, while performing the monitoring duties provided for under this title, prosecutors may at any time and place control the legality of enforcing the punishments and penal limitations laid down in statutes, the lawful treatment of prisoners and the enforcement of provisions enacted to protect the rights of inmates. The clarification of the allegations in connection with the handcuffing exceeds the NPM's mandate, so he requested the General Prosecutor to investigate into the case.

Some detainees and staff members claimed that so-called legal highs, i.e. legal mood enhancers are to be found in the Institution, the presence of which may cause stress, aggression and unpredictable behavior.

The continuous education and training of the personnel are essential in order to prevent the ill treatment of the detainees.

The NPM analyzed randomly chosen cases of the use of coercive measures. The analyzed documents showed that the use of coercive measures was lawful, necessary and proportionate; the principle of gradual approach was applied. The documentation of exceptional events did not show any improprieties.