

Summary of Case No. AJB-636/2021

On 21 January 2021, the Commissioner for Fundamental Rights, acting in his competence as OPCAT National Preventive Mechanism (hereinafter: the “NPM”), and several of his staff members paid a visit to the Keszthely Police Department (hereinafter: the “Facility”).

The purpose of the visit was to inspect the measures taken for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks (hereinafter: the “pandemic”), and for the elimination of its consequences, as well as to examine how the restrictions ordered due to the state of danger affected the rights of police detainees.

The members of the visiting group inspected the custody unit and the official rooms of the Facility, and made interviews with the staff members.

The established entry system, the measurement of body temperature, the possibility of hand sanitation and sanitizing shoes, supplying those arriving at the Facility with disposable gloves and masks, as well as the executive actions taken in order to protect the health of the staff were in compliance with the requirements set out in the rules of procedure on the health preservation and public health police tasks issued by the National Police Headquarters for the senior officials of the police force, serving as professional guidelines.

There were no detainees in the Facility at the time of the visit. Following the declaration of the state of danger, no one showing symptoms of coronavirus infection was transported to the Facility as a result of a police action. In response to the challenges of the state of danger, the management of the Facility satisfied the requirements aimed at the protection of both the detainees and the staff in the premises where police apprehension is carried out, and adequately ensured the conditions that guaranteed the enforcement of the detainees’ rights even under the circumstances of the pandemic.

While performing their duties, personal contact was unavoidable for police officers. Masks, gloves, sanitizing material and protective gear were available for the staff of the Facility ensuring the safe execution of police tasks, and the necessary equipment was used by the staff in accordance with the specifications of the health protection protocols.

The special sanitary conditions necessary for the safe transportation of arrestees when using the official vehicles were ensured by the management of the Facility during the pandemic, and both the police officers and the arrestees were provided with the equipment necessary for sanitary protection.

The staff of the Facility ensured the enforcement of the detainees’ right to contacts even during the state of danger.

The NPM identified a circumstance suggesting a fundamental-rights-related impropriety in connection with the medical examination of the detainees, and he also raised objections regarding the routine execution and administration of the measures restricting personal liberty.