



## Two men kept in inhuman and degrading conditions in Hungarian prisons

In today's Chamber judgments in the cases [Szél v. Hungary](#) (application no. 30221/06) and [Csüllög v. Hungary](#) (no. 30042/08), which are not final<sup>1</sup>, the European Court of Human Rights held, unanimously, that there had been:

**A violation of Article 3 (prohibition of inhuman and degrading treatment and punishment)** of the European Convention on Human Rights in both cases, and  
**A violation of Article 13 (right to an effective remedy)** in the **Csüllög v. Hungary** case.

The cases concerned the detention of two convicted prisoners in overcrowded cells, and placing one of them in solitary confinement and subjecting him to daily full body cavity searches for over two years.

### Principal facts

The applicants, László Szél and Zsigmond Csüllög, are two Hungarian nationals who were born respectively in 1965 and 1964 and live in Budapest (Hungary).

They were both convicted in 2006, László Szél of aggravated murder and and Zsigmond Csüllög of conspiracy to commit murder, and sentenced respectively to 15 and five years imprisonment.

László Szél spent around five years in the Budapest prison in different cells in which he had between 2.76 and 3.15 square metres of personal space available. He complained unsuccessfully to the prosecution and penitentiary authorities, which recognised the problem of overcrowding but informed him that they had no control over it.

Zsigmond Csüllög was detained in Sopronkőhida Prison where he was placed in a special security cell as the authorities apparently suspected that he was planning to escape. As a result of the special security regime applied to him, he had almost no human contact for a period of nearly two years and was never informed about the reasons for being kept separately from the other inmates. Mr Csüllög submitted that there was only artificial light in his cell, the ventilation was insufficient, the toilet had neither a seat nor a cover and he had to endure full body cavity searches on a daily basis. In addition, he was always hand-cuffed when he was outside his cell, could not keep a watch, a pen, a comb, plastic cutlery, teabags or stationery, and he could only have a limited number of books or newspapers.

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<sup>1</sup> Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution)

## Complaints, procedure and composition of the Court

Relying on Article 3, the applicants complained about the conditions in which they were kept in prison.

The applications were lodged with the European Court of Human Rights respectively on 23 May 2006 and 9 June 2008.

Judgment was given by a Chamber of seven, composed as follows:

Françoise **Tulkens** (Belgium), *President*,  
Danutė **Jočienė** (Lithuania), in the *Csüllög* case,  
David Thór **Björgvinsson** (Iceland),  
Dragoljub **Popović** (Serbia),  
Giorgio **Malinverni** (Suisse), in the *Szél* case,  
András **Sajó** (Hungary),  
İşıl Karakaş (Turkey), in the *Csüllög* case,  
Guido **Raimondi** (Italy),  
Paulo **Pinto de Albuquerque** (Portugal), in the *Szél* case, *Judges*,

and also Stanley **Naismith**, *Section Registrar*.

## Decision of the Court

### Article 3 (conditions of detention)

In the case of László Szél, the Court observed that the Government had officially acknowledged the overcrowding in the Hungarian prisons and that, at the time, there had been 50% more prisoners in the Budapest prison than places. In addition, the personal space available to Mr Szél had been for a long time 2.76 square metres and at most it had reached 3.15 square metres. Given that the European Committee for the Prevention of Torture considered 4 square metres of living space per inmate to be the minimum acceptable standard in cells for more than one person, the Court concluded that Mr Szél had been kept in cramped and unsanitary conditions without respect for basic human dignity. Therefore, he had suffered physically and mentally, in breach of Article 3. The Court further noted that the Hungarian authorities had to rapidly take the necessary administrative and practical measures in order to improve the conditions in which detainees were kept in Hungarian prisons.

In the case of Zsigmond Csüllög, the Court observed that the applicant had spent almost his entire time in prison under a special security regime, alone in his cell, seeing almost no other people, being constantly hand-cuffed when outside his cell and having to endure daily body cavity searches as a security measure. The Court emphasised that solitary confinement was only appropriate as an exceptional and temporary measure. The Hungarian authorities had given no reasons when applying or extending the solitary confinement of Mr Csüllög. He had to have perceived that as an arbitrary decision which in turn had to have instilled in him feelings of total dependence, powerlessness and humiliation. The cumulative effects of the strict security regime in which Mr Csüllög had been kept for a long time and the inadequate material conditions in his cell had resulted in inhuman and degrading treatment, in violation of Article 3.

### Article 13

In the case of Zsigmond Csüllög, the Court noted that, without proper information about the reasons for applying strict security regime to Csüllög, or any other prisoner for that matter, the Hungarian prosecution service could not review nor challenge the decisions of the prison authorities to apply such a regime to a prisoner. Therefore, the Prosecutor,

although an independent “institution”, lacked the powers to overturn prison authorities’ decisions related to special security measures for prisoners, even when those resulted in Article 3 violations. Therefore, there had been a violation of Article 13.

#### Article 41

Under Article 41 (just satisfaction) of the Convention, the Court held that Hungary was to pay to Mr Szél 12,000 euros (EUR) and to Mr Csüllög EUR 6,000 in respect of non-pecuniary damage, and EUR 3,750 to Mr Szél and EUR 2,680 to Mr Csüllög for costs and expenses.

*The judgment is available only in English.*

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.