



Hungarian Helsinki Committee

Hungary: Interim measures granted by the European Court of Human Rights or the United Nations Human Rights Committee in applications against Hungary between January and May 2017

Information update by the Hungarian Helsinki Committee (HHC)

30 May 2017

Interim measure granted by the United Nations Human Rights Committee

According to [Rule 92 of the Rules of procedure](#), the United Nations Human Rights Committee (UN HRC) may inform the State party concerned that interim measures may be desirable to avoid irreparable damage to the victim of the alleged violation if the State party concerned is also party to the Optional Protocol to the International Covenant on Civil and Political Rights. Hungary [ratified](#) the Optional Protocol in 1988.

- The Hungarian Helsinki Committee (HHC) submitted a communication to the UN HRC on 24 February 2017 concerning a traumatised asylum-seeker who was brutally beaten several times by guards during his detention in Bulgaria. As the Afghan asylum-seeker was about to be transferred to Bulgaria in accordance with the Dublin III Regulation, the UN HRC, under Rule 92, granted the HHC's request and indicated to Hungary not to deport the applicant. **On 11 April, the seriously traumatised Afghan asylum-seeker, who had been ill-treated in Bulgaria by the authorities, [was deported from Budapest to Sofia despite the interim measure granted by the UN HRC.](#)**

Interim measures granted by the European Court of Human Rights

According to [Rule 39 of the Rules of Court](#), the European Court of Human Rights (ECtHR) may indicate interim measures to any State party to the European Convention on Human Rights in case there is an imminent risk of irreparable harm. The overwhelming majority of interim measures are granted in relation to Articles 2 and 3 of the Convention and usually concern expulsions.

The HHC has already filed requests for interim measures with the European Court of Human Rights, in order **to halt the transfer** of asylum-seekers from open reception facilities **to transit zones on the Serbian-Hungarian border, prior to 28 March 2017**, in anticipation of [the entering into force of the amendments that foresee the automatic and unlawful detention of asylum-seekers in the transit zones](#). Note that in the recent judgment [Ilias and Ahmed vs. Hungary](#) the ECtHR concluded that the confinement of asylum-seekers in the transit zones in question without any formal, reasoned decision and without appropriate judicial review is unlawful.

- *Hersi Muhyadin and others v. Hungary, application no. 22934/17*

Request submitted: 24 March 2017. Request granted: 27 March 2017.

The applicants, all of them unaccompanied asylum-seeking children between 14 and 18 years, were accommodated at the special designated home for unaccompanied children in Fót. The ECtHR indicated to the government not to transfer the children to any of the transit zones. The Hungarian authorities complied with the interim measure.

- *Nalubega v. Hungary, application no. 23321/17*

Request submitted: 27 March 2017. Request granted: 27 March 2017.

The applicant, a traumatised woman with advanced and high-risk pregnancy was accommodated at an open reception facility. The ECtHR indicated to the government not to transfer her to any of the transit zones. The Hungarian authorities complied with the interim measure.

The HHC also submitted numerous requests for interim measures **after 28 March 2017** in order to **release vulnerable asylum-seekers from the transit zones.**

- *A.S. v. Hungary, application no. 34883/17*

Request submitted: 15 May 2017. Request granted: 18 May 2017.

The applicants were an Afghan family of four: two minor children, a mother (who was eight-month pregnant at the time) and the father. The ECtHR indicated to the government **to release the family from the transit zone and place the applicants in an environment which complies with the requirements of Article 3 of the Convention.** The family was given subsidiary protection on the day the interim measure was granted and was released from the transit zone.

- *R.R. and Others v. Hungary, application no. 36037/17.*

Request sent: 19 May 2017. Request granted: 19 May 2017.

The applicants were a family of five: three minor children, the Afghan mother who was pregnant at the time and the Iranian father who did not receive any food, in line with the new provisions that state that only shelter, but no food is provided to those who lodge a subsequent application, after their previous claim was rejected or closed without an in-merit decision. The ECtHR indicated to the government **to release the family from the transit zone and place the applicants in an environment which complies with the requirements of Article 3 of the Convention. Despite that the interim measure has been communicated to the government and the asylum authority, the applicants are still detained at the transit zone at the time of writing.**

- *N.A. and Others v. Hungary, application no. 37325/17.*

Request submitted: 25 May 2017. Request granted: 26 May 2017.

The applicants were a Syrian family of seven: husband and wife and their five children, including a small baby born during their detention in the transit zone. The ECtHR indicated to the government **to release the family from the transit zone and place the applicants in an environment which complies with the requirements of Article 3 of the Convention.** All members of the family were granted refugee status on 30 May 2017 and, as a consequence, were released from the transit zone.

- *A.A.A. and Others v. Hungary, application no. 37327/17.*

Request submitted: 26 May 2017. Request granted: 30 May 2017.

The applicants were an Iraqi family of seven: husband and wife with five children, including one above the age of eighteen. The father is a victim of torture and the mother has serious health problems. The ECtHR indicated to the government **to ensure that the environment where the applicants are placed complies with the requirements of Article 3 of the Convention and that the family is kept together.**

So far, HHC attorneys have **successfully requested interim measures** at the ECtHR in relation to placement in the transit zone in the case of **32 asylum-seekers**. In the case of **8 unaccompanied children** and **1 woman with high-risk pregnancy** the requests concerned **the halt of possible transfers** from open reception centres **to the transit zones**. Since 28 March 2017, HHC attorneys have successfully requested interim measures concerning the **release of applicants from the transit zone** in the case of **8 adults**, including **2 pregnant women**, and **15 children**, including a new-born baby.