



Hungarian Helsinki Committee

Hungary Ignores Interim Measure Granted by the United Nations Human Rights Committee

Information Update by the Hungarian Helsinki Committee (HHC)

11 April 2017

On 11 April 2017 Hungary deported a seriously traumatised Afghan asylum-seeker to Bulgaria, where he had been previously ill-treated by the authorities, despite the UN Human Rights Committee requesting Hungary not to do so.

The HHC's client left Afghanistan after being severely beaten by the Taliban and received regular threats to his life. He arrived in Bulgaria in July 2016, where he was kept in detention for about a month in inhuman conditions: he had to share a room of 20-25 square metres with 10-15 other people, with only 4-5 beds provided. He had to sleep on the floor and received only two meals per day, often only plain bread. The overcrowded facility was infested with parasites that caused painful bites. The Afghan man was told to clean and treat the wounds with alcohol which was never provided. The roughly 100 detainees had to share two toilets and two showers, without hot water, among themselves. The HHC's client was brutally beaten several times by the guards, on one occasion he had to be transported to a hospital to receive treatment for his injuries. He then left Bulgaria and spent two months living rough in Belgrade, Serbia before arriving in Hungary and applying for asylum in October 2016.

The Hungarian asylum authority ordered his detention, based on the need to establish his identity and the risk of absconding. While in detention, he was served with a transfer order to Bulgaria based on the Dublin III Regulation. In January 2017, a psychological expert opinion was issued that stated that the severity of the Afghan man's health status, most notably his post-traumatic stress disorder (PTSD), warranted his immediate placement in an open reception facility, where he could receive regular psychotherapy and pharmaceutical treatment – none of which had been available to him in Bulgaria.

In order to halt the transfer, the HHC applied for an **urgent interim measure to the United Nations Human Rights Committee (UN HRC) on 24 February 2017, which was granted** on the very same day. The UN HRC requested the Hungarian government not to deport the asylum-seeker, until it can examine on the merits whether there is a risk of torture, inhuman or degrading treatment upon return to Bulgaria.

Despite this decision, on 28 March 2017, the Hungarian asylum authority informed the Afghan man that he will be deported to Bulgaria on 11 April 2017. On 30 March 2017, his legal representative informed the asylum authority that such moves would constitute a violation of Article 7 of the International Covenant on Civil and Political Rights and the principle of *non-refoulement*. The co-chair of the HHC repeated these arguments in her letter sent to the director-general of the Hungarian Immigration and Asylum Office on 7 April, to no avail. The United Nations Human Rights Committee reiterated its position on the matter on 10 April 2017 in order to prevent the risk of an irreparable harm. The Hungarian asylum authority chose not to answer any of these letters and transferred our client from Kiskunhalas to Budapest at dawn on 11 April 2017. **The seriously traumatised Afghan asylum-seeker, who was ill-treated in Bulgaria by the authorities, has been deported from Budapest to Sofia despite the interim measure granted by the UN HRC.**

"The fact that the Hungarian authorities arbitrarily disregarded the interim measure granted by the UN HRC shows a blatant disrespect to international human rights norms and confirms the validity of the UNHCR's recent [call](#) urging EU Member States not to send back asylum-seekers to Hungary" said Márta Pardavi, co-chair of the HHC.