



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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SECOND SECTION

Applications nos. 5884/24 and 33911/24
Krisztián JAKOCSKA against Hungary
lodged on 10 February 2024 and 25 October 2024 respectively
communicated on 6 July 2026

SUBJECT MATTER OF THE CASE

The applications concern daily strip searches the applicant had to undergo while at Szombathely Prison (application no. 5884/24) as well as an alleged assault by prison guards at Miskolc Prison and the subsequent criminal investigation into the circumstances (application no. 33911/24).

During his detention at Szombathely Prison, between December 2022 and April 2023, the applicant worked at the prison's working hall, assembling and packing wires. On 26 April 2023 he complained to the Vas County Public Prosecutor's Office about strip searches performed after the daily prison work. He submitted that this practice was humiliating as inmates had to strip naked, crouch down and cough, during which he was visible to other inmates who were crouching down at the same time. His complaint was rejected on 14 July 2023, as the Public Prosecutor's Office found the prison's search practice lawful and held that even though the prisoners had had to take off their clothes, including their underwear, they had been separated from each other and no crouching down had taken place. His request for review was rejected as unfounded by the Office of the Attorney General on 2 October 2023 (service: 10 October 2023).

While at Miskolc Prison, one of the prison guards assaulted the applicant with more than five blows to the stomach and the head on 7 October 2019. A medical examination documented injuries to his face, forearm and ear. On 3 December 2019 the Debrecen Regional Prosecutor's Office ordered an investigation. They requested information and documents from the

penitentiary facility concerning the applicant's placement and state of health, as well as the video recording made on the day of the incident along with its analysis. On 18 December 2019 the prison authorities replied that the video recordings were no longer available. The medical records were requested from the treating hospital on 22 June 2020. The prosecutor's office heard the applicant on 10 October and 15 November 2022. The prosecutor's office requested further information from the prison on 12 October and 17 November 2022. Between this latter date and the date on which the application was introduced – that is, 25 October 2024 – no further investigative steps were taken.

The applicant complains under Articles 3 and 8 of the Convention that the strip searches at Szombathely Prison were performed routinely in a humiliating fashion. He further complains under Article 3 of the Convention that he was ill-treated by a guard at Miskolc Prison and the ensuing criminal investigation into the alleged assault was protracted and ineffective.

QUESTIONS TO THE PARTIES

1. Did the body searches which the applicant had to undergo at Szombathely Prison amount to inhuman or degrading treatment in violation of Article 3 of the Convention (see *Wainwright v. the United Kingdom*, no. 12350/04, § 42, ECHR 2006-X and *Roth v. Germany*, nos. 6780/18 and 30776/18, §§ 70-72, 22 October 2020)? Reference is made to the applicant's allegations concerning the specific circumstances of the strip searches.

2. In the alternative, has there been an interference with the applicant's right to respect for his private life, within the meaning of Article 8 § 1 of the Convention (see *Wainwright*, cited above, § 43)? If so, was that interference lawful and necessary in terms of Article 8 § 2 of the Convention (see *Wainwright*, cited above, §§ 46-48 and *Dejneke v. Poland*, no. 9635/13, §§ 70-77, 1 June 2017)? The parties are invited to comment on the compliance of the strip searches with section 59 § 3 of Government Decree no. 16/2014. (XII.19.) of the Minister of Justice.

3. Was the applicant subjected to inhuman and degrading treatment contrary to Article 3 of the Convention at Miskolc Prison (see *Bouyid v. Belgium* [GC], no. 23380/09, §§ 81-88 and 100-101, ECHR 2015)?

4. Having regard to the procedural protection from inhuman or degrading treatment, has the investigation in the present case complied with the

requirements of Article 3 of the Convention (see *Labita v. Italy* [GC], no. 26772/95, § 131, ECHR 2000-IV, and *Bouyid*, cited above, §§ 118-20, 122 and 123)? Did the authorities investigate promptly and with reasonable expedition (see *Bouyid*, cited above, § 121, and *Baranin and Vukčević v. Montenegro*, nos. 24655/18 and 24656/18, § 136, 11 March 2021)?

5. The parties are invited to submit factual information on the status of the criminal investigation into the applicant's alleged assault and the investigative measures taken with respect to the applicant's allegations by the authorities so far.