



Hungarian Helsinki Committee

## HUNGARIAN HELSINKI COMMITTEE

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### ***Hungarian Helsinki Committee UPR Fact sheet 5***

#### **RIGHT TO FAIR TRIAL**

**1. Ex officio appointed defence counsels:** Even the Police's surveys show that the system of the ex officio appointment of defence counsels (who provide criminal legal aid to indigent defendants) suffers from severe deficiencies. Such counsels **often fail to participate in proceedings in the investigative stage, and the quality of their performance is** believed by all actors of the procedure to be **worse than that of retained counsels**. In the HHC's view this is to a great extent due to the fact that the investigating authority is completely free to choose the lawyer to be appointed, which poses a severe threat to effective defence, as the investigating authority is disinterested in efficient defence work. Practitioners claim that **the defendants' right to inform a lawyer at the beginning of their detention is also not implemented properly in practice** (e.g. the notice given to lawyers about the interrogation is often too short for the lawyer to be able to appear).

**2. Video-recording of interrogations:** The video-recording of interrogations **is not obligatory**. Upon the request of the defendant or the defence counsel the recording is mandatory, but only if the defence advances the costs of such recording. Furthermore, most defendants are unaware of this possibility.

#### **? Questions:**

- What kind of measures will be taken in order to address the structural deficiencies of the system of ex officio appointments and to ensure that the quality of the performance of ex officio defence counsels is enhanced?
- What kind of measures will be taken in order to ensure that defendants' right to inform a lawyer at the beginning of their detention is implemented properly in practice?
- Does Hungary intend to make video-recording of interrogations obligatory and free of charge for the defendant?

#### **! Recommendations:**

- Effective steps should be taken in order to address the structural deficiencies of the system of ex officio appointments and to enhance the quality of the performance of ex officio defence counsels.
- It should be ensured that defendants' right to inform a lawyer at the beginning of their detention is implemented properly in practice.
- Video-recording of interrogations should be made obligatory and free of charge for the defendant.