

Fw: Deliberate suppressing of information in regards to assault and refusal to properly investigate and diagnose uro-genital damage - cruel and inhuman treatment by Polish authorities lasting close to 4 years already

Sent: Friday, 15 December 2017 15:15

From: Michal Siemaszko mhsiemaszko@protonmail.com

To: apt@apt.ch apt@apt.ch

----- Original Message -----

Subject: Deliberate suppressing of information in regards to assault and refusal to properly investigate and diagnose uro-genital damage - cruel and inhuman treatment by Polish authorities lasting close to 4 years already

Local Time: October 30, 2017 2:43 AM

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From: mhsiemaszko@protonmail.com

To: apt@apt.ch <apt@apt.ch>

Dear Sirs,

I'm contacting you as I am unable to exercise my rights as a Polish citizen, and Polish authorities appear to be unaware of their obligations stemming from international law to which they're subject, especially declaration of Human Rights.

What I experienced over the course of almost 4 years already can only be described as torture, inhuman or degrading treatment - **medical procedure without my consent, injury to my sexual organs, refusal to conduct proper investigation, refusal to obtain comprehensive diagnosis, refusal to obtain medico-legal opinion.**

I'm a 38 year old male, self-sufficient since I was 19 years old, professionally working in IT / software engineering. **I was never jailed** - attached is recent affidavit confirming my criminal record is completely clean; **I was never in hospital**, never with my consent underwent any medical procedures. Yet, in January 2014, because of what can only be described as assault, at the place I lived at that time, my body remains seriously damaged - uro-genital area.

I was **refused** by local Police and prosecutor what is my right, i.e. **to conduct proper investigation into what took place**; I was **refused multiple times proper medical diagnosis**, and over the course of past ~6 months, my **attempts at collecting proper evidence by preparing medico-legal opinion, in order to re-open criminal investigation, was refused multiple times as well.**

Attached is a detailed description, in the form of question and answer, I prepared. At <https://www.dropbox.com/s/igygg4f69qjztdk/MHSiemaszko.blizna.20171028.zip?dl=0> you will find ZIP archive with **pictures of scar on left part of my body, which appeared over-night due to above mentioned assault in January 2014, which resulted in severe uro-genital and neurological damage**; I can also provide result of urological USG test done in January 2014, after what took place, translated into English - where neurogenic bladder and urological problems are clearly described.

I cannot wait longer - my health is deteriorating; you can perhaps infer what close to 4 years of being refused my most basic rights, dealing with corrupt, lawless, inhumane behaviour / acts can result in.

I will gladly appreciate referring my case to lawyers and medico-legal experts who can help move this situation in a proper direction - Polish authorities' impunity must be dealt with properly, while my health and

dignity is restored.

In closing, for background as to what matches very closely my experience, I'll refer you to "**Guide to Jurisprudence on Torture and Ill-treatment**" http://www.apf.ch/content/files_res/Article3_en.pdf, passages:

*(...) **Violations Due to a Lack of an Effective Investigation** (...) in order to provide a plausible explanation of how the injuries were caused, the State must conduct an effective investigation into allegations of ill-treatment.*

The finding of a violation due to the lack of an effective investigation would appear to have arisen in order to address difficulties encountered by the requirement that allegations of ill-treatment must be supported by appropriate evidence.

In The Greek Case and Ireland v UK (discussed above), the Court and Commission held that the standard of proof for violations of Article 3 was proof "beyond reasonable doubt" that the ill-treatment had occurred.

*However, **the imposition of this standard of proof fails to take into account the difficulty for victims in obtaining supporting evidence, because, for example, of the denial of access to medical treatment or legal counsel, or a lack of an effective complaints procedure.***

In Ireland v UK the Court appeared to have tried to address the dichotomy encountered between requiring proof beyond reasonable doubt and the difficulty in obtaining evidence from the alleged violator, i.e. the State authorities or its agents, that the ill-treatment had occurred. In this instance the Court held that, whilst the burden of proof was "beyond reasonable doubt", it agreed with the Commission's earlier decision that, to assess the evidence, proof may follow from "the coexistent of sufficiently strong, clear and concordant inferences or of similar unrebutted presumptions of fact. In this context, the conduct of the Parties when evidence is being obtained has to be taken into account". (...)

(...) it is evident that the Court is increasingly mindful of the difficulties facing victims in obtaining supporting evidence of ill-treatment. Consequently, it has imposed an obligation upon State authorities to carry out an effective investigation into allegations of ill-treatment. Without such a duty to investigate, perpetrators of ill-treatment would be free to act with apparent impunity. (...)

(...) The Court noted that an investigation should "be capable of leading to the identification and punishment of those responsible" Without such a duty to investigate, the Court noted that "the general legal prohibition of torture and inhuman and degrading treatment and punishment, despite its fundamental importance, would be ineffective in practice and it would be possible in some cases for agents of the State to abuse the rights of those within their control with virtual impunity". (...)

I'm looking forward to hearing back from you so this situation can be moved on a proper track and resolved as it should, considering how long this lasted already and 4 years of my life was already wasted this way. In addition, **uro-genital damage I suffered because of what took place is life threatening - can result in renal failure, among other serious / life threatening conditions.**

Regards,
M. Siemaszko

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