

Michał Hubert Siemaszko  
Address: ul. Gierymskich 4/9, 30-824 Kraków, Poland  
Phone: +48 723 039 978, +48 668 566 023  
Email: [mhsiemaszko@fastmail.net](mailto:mhsiemaszko@fastmail.net), [mhs@into.software](mailto:mhs@into.software)

# STATEMENT OF THE FACTS

Annex to form

## All physical symptoms corroborated in medical documentation

(Developing facts mentioned in item no. 3 from section E. Statement of the Facts)

The result of the events of January 2014 as well as the numerous cases of (deliberate) medical negligence and refusals to conduct diligent investigations resulted in permanent injury to my body—including most intimate parts of my body—and to this day multiple puncture wounds are visible on left groin and directly related to them damage of the genital, urinary and nervous system:

- damage to the genital system—disorder of / often occurring complete disappearance of the scrotal reflex, very visible change in the form and function of sexual organs, resulting in the impossibility of having healthy sexual intercourse,
- damage to the urinary system—neurogenic bladder, problems with urination and urinary retention,
- damage to the nervous system—frequent numbness with tingling of the entire left part of my body, from pelvis, where the scar is visible, to the area of the ankle of the foot.

All physical symptoms are confirmed in medical documentation gathered since then, including Computer Tomography, Magnetic Resonance Imaging including nerve MRI, Optical Coherence Tomography, 3 ultrasound tests including nerve ultrasound, and physical examinations performed by specialist physicians, including plastic surgeon, neurologist and urologist:

- (a) Extracts from the medical report from examinations and consultations with physicians specializing in neurology, plastic surgery and radiology, conducted on April 6 and 20, 2018:

*(...) We studied the provided recently performed Neuro MRI of the patient pelvis with our radiologist (...) The MRI showed a thickening of the left lateral cutaneous femoral nerve at the area of the positive Tinel sign and a thickening of the left genitofemoral nerve at the anterior-medial aspect of the psoas muscle, a region just before the genital branch of the genitofemoral nerve enters the spermatic cord. In addition, docent (...) performed a high-resolution Ultrasound study of the inguinal area on the left side which showed the same thickening of the nerve and scar formation. (...)*

*(...) we found a clear pathology of the lateral cutaneous femoral nerve and the to a lower extent of the genitofemoral nerve on the left inguinal area. There are several punctiform skin hyperpigmentation in the inguinal area and the distance to the lesion of the most*

*superficial nerve is about 5cm. The symptoms the patient suffered could be explained by the assumption of a needle attack including the injection of an unknown substance. (...)*

- (b) Extracts from the medical report from Ultrasound examination of nervous system, conducted on April 6, 2018:

*(...) Ultrasound reveals a marked swelling of the femoral cutaneous lateral nerve at the level of the anterior superior iliac spine. The nerve swelling extends approximately for 15 mm (...) The cross sectional diameter of the thickened nerve is 3 times above the normal value. The findings correspond to the previous MRI. (...) Ultrasound reveals a marked swelling of the femoral cutaneous lateral nerve at the left anterior superior iliac creast, suggesting iatrogenic nerve injury. (...)*

- (c) Extracts from the medical report from Magnetic Resonance Imaging examination of nervous system, conducted on March 12, 2018:

*(...) Functional nerve imaging reveals hourglass-shaped restricted diffusion in the lateral cutaneous nerve of the thigh across the inguinal ligament. (...) MR scan findings are suggestive of entrapment of the lateral cutaneous nerve of the left thigh due to scarring in the left tensor fascia lata with altered signal and restricted diffusion. (...) There is also thickening and altered signal in the left genitofemoral nerve. (...)*

- (d) Extracts from the medical report from Computed Tomography examination of pelvis, conducted on February 13, 2018:

*(...) Condition after penetrating trauma left pelvic, dysaesthesia, neurological impairment. (...) The skin scar is also detectable by computer topographically as low subcutaneous compression zone in the course via the proximal and anterior portion of the tensor fascia latae muscle. (...) Severe cutaneous scarring (...) around the left superior anterior iliac spur and neighboring parts of the tensor fascia lata muscle. (...)*

- (e) Extracts from the medical report from Ultrasound examination of urinary tract, conducted on January 11, 2016:

*(...) Huge residual urine: 260ml (...) Diagnosis: Erectile dysfunction, Neurogenic bladder disorder (...)*

- (f) Extracts from the medical report from Ultrasound examination of urinary tract, conducted on January 29, 2014:

*(...) Urinary bladder (...) Post-void retention ca. 390 ml!!! (...)*

## **Medical procedure without consent**

**(Developing facts mentioned in item no. 4 from section E. Statement of the Facts)**

Evidence gathered since the events of January 2014 suggests that in January 2014 a medical procedure was performed without my consent:

- These events took place in a flat I rented at that time, located at Szymanowskiego 5/10 in Krakow, Poland—never in my life have I been admitted to any hospital,
- Despite falling asleep early, I woke up tired, with dizziness and my health condition clearly deteriorated—most likely I was given some kind of an anesthetic,
- Ultrasound examination of nervous system indicates iatrogenic nerve injury and these results correspond with results from Computer Tomography, Magnetic Resonance Imaging including nerve MRI, Optical Coherence Tomography, as well as physical examinations performed by specialist physicians,
- Considering that the physical examination and the USG test of the nervous system, confirming iatrogenic nerve injury, was performed by, among others, a world-renowned specialist, Doc. Dr. Gerd Bodner from the PUC Clinic in Vienna, Austria—a pioneer of USG examination of the nervous system, author of more than 200 scientific publications and the only textbook for ultrasound examination of the nervous system—the probability of misdiagnosis is very low,
- In addition, many times—after I presented photos of the scars on the left groin—I was asked by doctors and forensic experts about the sutures and a report of the surgery, including employees of one of the world's best hospitals at Stanford University in California, USA,
- Furthermore, already in 2014 information that this was a (failed) medical procedure was somehow known to Mr. Tomasz Gibas, from whom on November 5, 2014, I received an email from which it follows that I was subjected to a surgery that was performed incorrectly and Mr. Gibas offered me help in recovering compensation—I never followed up on this offer since I consider this person involved in organized crime and the ludicrous amount offered would not even cover the most basic surgery needed to fully restore form and function of my body,
- This crime committed against me was deliberate—a few days before the events of January 2014 I received an SMS message saying “may you never have any offspring”, fulfilled as a result of what happened—i.e. permanent damage to the most intimate parts of the body, including the genital, urinary and nervous systems, being a direct result of multiple puncture wounds in the left groin,
- In the context of the numerous gross violations of procedural obligations and omissions committed by the Krakow law enforcement authorities, the absurd justification for refusing to initiate an investigation in 2014 based on an article from Wikipedia about candidiasis of the digestive system, as well as the numerous cases of refusals to conduct medical examinations or (deliberate) medical negligence, I suspect that information about the fact that I was subjected to a medical procedure was known to law enforcement authorities and doctors, and these acts were intentional as an attempt to hide the fact of performing medical procedure without my consent.

## **Gross violations of procedural obligations and the lack of conducting an investigation regarding notification of a crime filed on February 28th 2014**

(Developing facts mentioned in item no. 8 from section E. Statement of the Facts)

In the course of pre-investigation proceedings regarding the notification of a crime filed on February 28, 2014, case file no. 2 Ds 385/14, no investigative measures were carried out aside from drafting a report from my hearing on March 21, 2014, at the District Prosecutor's Office.

Acts which are the true cause of permanent bodily injury, classified under articles 156 §1 and 157 §1 in conjunction with article 192 §1 of the Polish Penal Code, were never of interest nor criminal-law reference in case file no. 2 Ds 385/14 in 2014, contrary to the false claims of the Krakow law enforcement authorities.

Medical documentation provided by me, annexed to the notification of a crime filed on February 28, 2014—i.e. results from Ultrasound examination of urinary tract performed on January 29, 2014, in the wake of crimes committed against me, which clearly stated serious urinary retention and the need for additional examinations and consultations, as well as the documentation concerning treatment of candidiasis of the digestive system in 2013—were definitely not a private medico-legal opinion on the basis of which Krakow law enforcement authorities were entitled to draw any conclusions.

By incorrectly classifying acts which are the true cause of permanent bodily injury, refusing to initiate preparatory criminal proceedings, failing to appoint forensic medical doctor in order to conduct proper examination and issue factual opinion, failing to accept motion for prosecution of act classified under article 192 §1 of the Polish Penal code (Conducting medical procedure without consent), and issuing their own "medico-legal opinion" based on an article from Wikipedia about candidiasis of the digestive system, Krakow law enforcement authorities committed gross violations of procedural obligations in addition to clearly confusing their role with the role of medical doctors and forensic experts.

Senior constable Daria Curzydło, who conducted pre-investigation proceedings regarding notification of a crime filed on February 28, 2014, case file no. 2 Ds 385/14, did not have any special knowledge to justify in the refusal to initiate an investigation that candidiasis of the digestive system is the cause of these permanent bodily injuries. The sole purpose of pre-investigation proceedings is to make findings necessary for the subsequent initiation of investigation—evidence from forensic expert opinions cannot be carried out in this pre-investigation stage and law enforcement authorities are not authorized to issue medical opinions without appointing an expert and conducting a forensic examination; forensic expert opinions can only be carried out during the course of actual investigation, not in this pre-investigation stage.

It is definitely not possible to conclude from the documents I provided along with the notification of a crime filed on February 28, 2014, that it's the candidiasis of the digestive system which can cause sudden and permanent bodily injury—including damage to the genital, urinary and nervous systems, directly connected to the multiple puncture wounds in left groin—which occurs overnight. Those documents I provided could in no way replace forensic expert opinion, and only forensic expert opinion can be used in such criminal proceedings to issue decisions. Therefore, law enforcement authorities' claims that it's the candidiasis of the digestive system which caused these permanent bodily injuries in their decision refusing to initiate an investigation were completely unfounded.

Convergence of the content of the justification contained in the decision refusing to initiate an investigation with the content of article from Wikipedia about candidiasis of the digestive system, which is in the case file no. 2 Ds 385/14 and was included in the case file by law enforcement authorities not me, leaves no doubt that law enforcement authorities based their decision solely on that article, which is a clear violation of procedural obligations incumbent on law enforcement authorities.

It is also worth noting that no competent, rational medical doctor, would ever agree with such claim nor issue opinion claiming such—because candidiasis of the digestive system cannot be the cause of sudden

and permanent bodily injuries—and even if any doctor would issue such irrational opinion, such doctor would be held responsible for medical negligence.

Furthermore, decision refusing to initiate an investigation dated April 14, 2014, in case file no. 2 Ds 385/14, which is a procedural document in criminal proceedings, was never properly delivered to me to this day, preventing me from filing a timely complaint.

I found the envelope with that decision in a rented address box in November 2014 after I came back from London, UK, after 5 month long IT contract—without receiving any prior notices so I can sign for it myself, and two such notices should have been issued. As can be seen from the documents contained in case file no. 2 DS 385/14, registered mail containing decision refusing to initiate an investigation was signed for by person unauthorized to receive it.

The authorization document I signed along with address box rental agreement clearly does not authorize accepting mail from law enforcement in my name. Employees of Polskie Centrum Usług Sp. z o.o., where I rented that address box, were not authorized to sign for mail from law enforcement authorities but only from public administration authorities, including tax authorities and courts. Public prosecutor's office is not a public administration authority, but a law enforcement authority, which results from Article 1 point 3 of the Act of 20 June 1985 on the Prosecutor's Office (Journal of Laws of 2011 No. 270, item 1599), which is also confirmed in case law, as seen in the decision of Administrative Court in Warsaw (WSA) of 9 March 2015, IV SAB/Wa 24/15.

So the proper way would be not sign for that mail in my name but to leave notice of incoming mail and immediately inform me about this so I can sign for it myself—but that is not what happened. Alternatively, law enforcement authorities should have delivered that decision to me again since I informed them about this situation numerous times—but that was refused as well.

## **Gross violations of procedural obligations and the lack of conducting an investigation regarding notification of a crime filed on January 9th 2018**

**(Developing facts mentioned in item no. 21 from section E. Statement of the Facts)**

The notification of a crime filed on January 9, 2018, was erroneously read by the Krakow law enforcement by omitting the contents of further part of the first sentence of the petitem of that notification, from which it is clear that it concerns behaviors which do not fall within the identity of the actual event covered by the proceedings in case file no. 2 Ds 385/14 and constitute separate behaviors, both generically and temporally separate.

In case no. 2 Ds 385/14, concerning notification of a crime filed on February 28, 2014, there is lack of state of res judicata since the refusal to initiate an investigation was issued after carrying out activities that do not go beyond the in rem phase, which means that the proceedings in case no. 2 Ds 385/14 were never conducted against any specific person, hence there is no subject-matter identity for any of these acts. Only the offense classified under article 197 § 1 of Polish Penal Code was included in the decision to refuse to initiate investigation dated April 14, 2014, as well as in the notification of a crime dated February 28, 2014. Thus, legal views expressed by the Krakow law enforcement authorities pertaining to classifying the procedural nature of the notification of a crime filed on January 9, 2018, as motion to re-open investigation in case concerning notification of a crime filed on February 28, 2014, are

erroneous, absurd, and literally they are only and exclusively aimed at continuing to try to conceal crime committed against me.

Classifying the notification of a crime filed on January 9, 2018, as motion to re-open investigation in case concerning notification of a crime filed on February 28, 2014, case file no. 2 Ds 385/14, is a gross violation of the limits set by the identity of the act and historical event in connection with failure to meet the criteria necessary to establish their identity, such as the subject of the act, the manner in which the perpetrator acted, the object of protection, the time and place the acts were committed and, above all, the nature and extent of the effect resulting from behaviors particular and as a whole.

In connection with the above, the failure to initiate preparatory proceedings regarding the notification of a crime filed on January 9, 2018, can only be seen as another unlawful act of the Krakow law enforcement authorities.

Furthermore, this behavior cannot be seen other than an intentional concealment of a crime considering that following the erroneous classification of notification of a crime from January 9, 2018, as motion to re-open investigation in case concerning notification of a crime filed on February 28, 2014, case file no. 2 Ds 385/14, Krakow law enforcement authorities claimed there are no grounds to re-open that investigation, despite:

- The gross violations of procedural obligations and omissions committed by the Krakow law enforcement authorities in proceedings following filing of a notification of a crime on February 28, 2014, case file no. 2 Ds 385/14,
- The new and significant evidence attached to the notification of a crime filed on January 9, 2018, including medical documentation and communications from that time certified by IT forensics specialists, 100% confirming permanent bodily injuries and crimes which were committed against me in the following months and years,
- The lack of any causal link between the candidiasis of the digestive system—which was provided in justification of decision refusing to initiate an investigation dated April 14, 2014—and the well-documented permanent bodily injuries,
- Significant differences in the identity of historical events, acts and persons who committed these crimes, as indicated in the notification of a crime filed on January 9, 2018.

Contrary to the erroneous claims of the Krakow law enforcement authorities, act classified under article 192 §1 of the Polish Penal code (Conducting medical procedure without consent) definitely never was the subject of proceedings in case no. 2 Ds 385/14, because neither proper forensic examination was ordered by law enforcement authorities back then nor did I have enough knowledge about what was done to me at that time. Besides, if the act classified under article 192 §1 of the Polish Penal Code was the subject of proceedings in case no. 2 Ds 385/14, then motion for prosecution of that act would have to be taken from me in writing, which never happened. Therefore, Krakow law enforcement authorities' claims that all acts mentioned in the new notification of a crime filed on January 9, 2018, were the subject of proceedings in case no. 2 Ds 385/14 are all the more blatantly contradictory and nonsensical.

It is highly unlikely that the law enforcement authorities were not aware that their behavior grossly exceeds as well as fails to fulfill procedural obligations, thus acting to my detriment and on more than one occasion. The artificial rationalizing of the numerous erroneous decisions and views of the Krakow law enforcement authorities is extremely difficult to assess other than being intentional and aimed at preventing me from conducting a thorough investigation, thereby denying a fair trial and obtaining compensation for the enormous damage I have suffered.

Michal H. Siemaszko