

About this application form

This form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the "Notes for filling in the application form". Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) requires that a concise statement of facts, complaints and information about compliance with the admissibility criteria **MUST** be on the relevant parts of the application form itself. The completed form should enable the Court to determine the nature and scope of the application without recourse to any other submissions.

Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

A. The applicant

A.1. Individual

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to section A.2.

1. Surname

SIEMASZKO

2. First name(s)

MICHAL HUBERT

3. Date of birth

0	7	0	2	1	9	7	9
D	D	M	M	Y	Y	Y	Y

 e.g. 31/12/1960

4. Place of birth

KRAKOW, POLAND

5. Nationality

POLISH

6. Address

GIERYMSKICH 4/9
30-824 KRAKOW
POLAND

7. Telephone (including international dialling code)

+48 723 039 978, +48 668 566 023

8. Email (if any)

MHSIEMASZKO@FASTMAIL.NET, MHS@INTO.SOFTWARE

9. Sex male female

A.2. Organisation

This section should only be filled in where the applicant is a company, NGO, association or other legal entity. In this case, please also fill in section D.1.

10. Name

11. Identification number (if any)

12. Date of registration or incorporation (if any)

D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

13. Activity

14. Registered address

15. Telephone (including international dialling code)

16. Email

B. State(s) against which the application is directed

17. Tick the name(s) of the State(s) against which the application is directed.

- | | |
|---|--|
| <input type="checkbox"/> ALB - Albania | <input type="checkbox"/> ITA - Italy |
| <input type="checkbox"/> AND - Andorra | <input type="checkbox"/> LIE - Liechtenstein |
| <input type="checkbox"/> ARM - Armenia | <input type="checkbox"/> LTU - Lithuania |
| <input type="checkbox"/> AUT - Austria | <input type="checkbox"/> LUX - Luxembourg |
| <input type="checkbox"/> AZE - Azerbaijan | <input type="checkbox"/> LVA - Latvia |
| <input type="checkbox"/> BEL - Belgium | <input type="checkbox"/> MCO - Monaco |
| <input type="checkbox"/> BGR - Bulgaria | <input type="checkbox"/> MDA - Republic of Moldova |
| <input type="checkbox"/> BIH - Bosnia and Herzegovina | <input type="checkbox"/> MKD - North Macedonia |
| <input type="checkbox"/> CHE - Switzerland | <input type="checkbox"/> MLT - Malta |
| <input type="checkbox"/> CYP - Cyprus | <input type="checkbox"/> MNE - Montenegro |
| <input type="checkbox"/> CZE - Czech Republic | <input type="checkbox"/> NLD - Netherlands |
| <input type="checkbox"/> DEU - Germany | <input type="checkbox"/> NOR - Norway |
| <input type="checkbox"/> DNK - Denmark | <input checked="" type="checkbox"/> POL - Poland |
| <input type="checkbox"/> ESP - Spain | <input type="checkbox"/> PRT - Portugal |
| <input type="checkbox"/> EST - Estonia | <input type="checkbox"/> ROU - Romania |
| <input type="checkbox"/> FIN - Finland | <input type="checkbox"/> RUS - Russian Federation |
| <input type="checkbox"/> FRA - France | <input type="checkbox"/> SMR - San Marino |
| <input type="checkbox"/> GBR - United Kingdom | <input type="checkbox"/> SRB - Serbia |
| <input type="checkbox"/> GEO - Georgia | <input type="checkbox"/> SVK - Slovak Republic |
| <input type="checkbox"/> GRC - Greece | <input type="checkbox"/> SVN - Slovenia |
| <input type="checkbox"/> HRV - Croatia | <input type="checkbox"/> SWE - Sweden |
| <input type="checkbox"/> HUN - Hungary | <input type="checkbox"/> TUR - Turkey |
| <input type="checkbox"/> IRL - Ireland | <input type="checkbox"/> UKR - Ukraine |
| <input type="checkbox"/> ISL - Iceland | |

C. Representative(s) of the individual applicant

An individual applicant does not have to be represented by a lawyer at this stage. If the applicant is not represented please go to section E.

Where the application is lodged on behalf of an individual applicant by a non-lawyer (e.g. a relative, friend or guardian), the non-lawyer must fill in section C.1; if it is lodged by a lawyer, the lawyer must fill in section C.2. In both situations section C.3 must be completed.

C.1. Non-lawyer

18. Capacity/relationship/function

19. Surname

20. First name(s)

21. Nationality

22. Address

23. Telephone (including international dialling code)

24. Fax

25. Email

C.2. Lawyer

26. Surname

27. First name(s)

28. Nationality

29. Address

30. Telephone (including international dialling code)

31. Fax

32. Email

C.3. Authority

The applicant must authorise any representative to act on his or her behalf by signing the first box below; the designated representative must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated above to represent me in the proceedings before the European Court of Human Rights concerning my application lodged under Article 34 of the Convention.

33. Signature of applicant

34. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

I hereby agree to represent the applicant in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

35. Signature of representative

36. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

Electronic communication between the representative and the Court

37. Email address for eComms account (if the representative already uses eComms, please provide the existing eComms account email address)

By completing this field you agree to using the eComms system.

D. Representative(s) of the applicant organisation

Where the applicant is an organisation, it must be represented before the Court by a person entitled to act on its behalf and in its name (e.g. a duly authorised director or official). The details of the representative must be set out in section D.1.
 If the representative instructs a lawyer to plead on behalf of the organisation, both D.2 and D.3 must be completed.

D.1. Organisation official	D.2. Lawyer
38. Capacity/relationship/function (please provide proof) <input type="text"/>	46. Surname <input type="text"/>
39. Surname <input type="text"/>	47. First name(s) <input type="text"/>
40. First name(s) <input type="text"/>	48. Nationality <input type="text"/>
41. Nationality <input type="text"/>	49. Address <input type="text"/>
42. Address <input type="text"/>	
43. Telephone (including international dialling code) <input type="text"/>	50. Telephone (including international dialling code) <input type="text"/>
44. Fax <input type="text"/>	51. Fax <input type="text"/>
45. Email <input type="text"/>	52. Email <input type="text"/>

D.3. Authority

The representative of the applicant organisation must authorise any lawyer to act on its behalf by signing the first box below; the lawyer must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated in section D.2 above to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

53. Signature of organisation official <input type="text"/>	54. Date <table border="1"> <tr> <td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td> </tr> <tr> <td>D</td><td>D</td><td>M</td><td>M</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td> </tr> </table> e.g. 27/09/2015	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	D	D	M	M	Y	Y	Y	Y
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>										
D	D	M	M	Y	Y	Y	Y										

I hereby agree to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

55. Signature of lawyer <input type="text"/>	56. Date <table border="1"> <tr> <td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td> </tr> <tr> <td>D</td><td>D</td><td>M</td><td>M</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td> </tr> </table> e.g. 27/09/2015	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	D	D	M	M	Y	Y	Y	Y
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>										
D	D	M	M	Y	Y	Y	Y										

Electronic communication between the representative and the Court

57. Email address for eComms account (if the representative already uses eComms, please provide the existing eComms account email address)

By completing this field you agree to using the eComms system.

Subject matter of the application

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the six-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E, F and G). It is not acceptable to leave these sections blank or simply to refer to attached sheets. See Rule 47 § 2 and the Practice Direction on the Institution of proceedings as well as the "Notes for filling in the application form".

E. Statement of the facts

- 58.
1. On the night of January 8-9, 2014, in the place of my residence at that time, i.e. Szymanowskiego 5/10 in Krakow, Poland, I was assaulted by unknown people who broke into the flat while I was asleep.
 2. 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.
 3. These events resulted in serious and permanent injury to my body—including most intimate parts of my body—and to this day multiple puncture wounds are visible on my left groin and directly related to them damage of the genital, urinary and nervous systems. All physical symptoms are corroborated in the medical documentation collected 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, herewith attached; developed in the enclosed annex.
 4. The tests and examinations performed also show iatrogenic nerve injury—which can only take place in the case of a (failed) medical procedure, but I never gave consent to any medical procedure. Permanent bodily injury, including to the genital, urinary and nervous systems, directly related to the scars from multiple puncture wounds in the left groin, is therefore a consequence of a (failed) medical procedure performed without my consent; developed in the enclosed annex.
 5. 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.
 6. In connection with the events of January 2014, on February 28, 2014, I filed a notification of a crime.
 7. In this notification of a crime, I invoked article 197 §1 (Rape) of the Polish Penal Code because that's how I associated the physical and psychological symptoms present—i.e. mental shock and pain in the groin and perineum, pain in the lower abdomen, problems with urination, pain in the final opening of the digestive tract.
 8. In the proceedings regarding the notification of a crime filed on February 28th 2014—kept under the reference number 2 Ds 385/14 at the Krakow-Krowodrza District Prosecutor's Office and the reference number MKZ-D-1436-14 in the Commissariat of the 4th Police in Krakow—the Krakow law enforcement authorities committed numerous gross violations of procedural obligations and omissions which cannot be called other than a deliberate concealment of a criminal offense, inter alia:
 - (a) Absolutely no investigative measures were carried out aside from drafting a report from my hearing on March 21st 2014 at the District Prosecutor's Office,
 - (b) Initiation of preparatory criminal proceedings and conducting of diligent investigation was forsaken,
 - (c) Appointment of forensic medical doctor—for the purpose of carrying out the appropriate forensic examination and issuing an opinion—was forsaken,
 - (d) Traces at the place of these events, i.e. flat located at Szymanowskiego 5/10 in Krakow, Poland, were not secured,
 - (e) Potential witnesses of these events—including neighbors, owner of the premises, etc.—were not questioned,
 - (f) Acts which are the true cause of these permanent bodily injuries were not classified correctly due to failure to perform any investigative activities, including failure to appoint forensic medical doctor,
 - (g) Motion for prosecution of act classified under article 192 §1 of the Polish Penal code (Conducting medical procedure without consent) was not taken from me, despite the fact that well over 7 days have passed since these events and bodily injuries were still present,
 - (h) Decision refusing to initiate an investigation was issued based on an article from Wikipedia which Krakow law enforcement attached to the case files, claiming that the permanent bodily injuries were caused by the candidiasis of the digestive system!!

Statement of the facts (continued)

59.

(i) That decision was never properly delivered to me, thus preventing me from filing a timely complaint—it was delivered via an address box and picked up by a person not authorized to do so; I found the envelope in November 2014 after I came back from London, UK, after 5 month long IT contract; developed in the enclosed annex.

9. Before the events of January 2014, neither the puncture wounds nor any of the genital, urinary or nervous systems symptoms were present and the only ailment was candidiasis of the digestive system, which I treated according to the doctor's recommendations with a diet and prescribed medications.

10. However, neither the candidiasis of the digestive system nor the medicines I was taking are the cause and definitely cannot induce multiple puncture wounds overnight nor permanent damage to the genital, urinary and nervous systems—contrary to the absurd thesis expressed in the justification of the refusal to initiate an investigation, prepared on the basis of selected excerpts from the Wikipedia article, which is on the case file, without appointment of a forensic doctor, to conduct an examination and issue factual opinion.

11. The evidence collected since then clearly indicates that 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.

12. The events of January 2014 took place less than 3 months after the start of a 2-year business contract and as a result of these events I had to terminate that contract and I was unable to work for many months.

13. Since the events of January 2014, I have been repeatedly hindered or even prevented from conducting comprehensive medical examinations in order to establish proper medical diagnosis, as well as medico-legal opinion to supplement the evidence in this case. For this reason, as well as for financial reasons, it took nearly 4 years to complete the medical documentation and establish comprehensive diagnosis.

14. Misdiagnosis took place in at least five cases:

(a) Visits to Medicover Medical Center in Krakow, Poland, in January 2014, where for the symptoms described—i.e. pain in the groin and crotch, lower abdominal pain, problems with passing urine, pain in the final opening of the gastrointestinal tract—doctors ordered tests and medicines completely unrelated to the proper diagnosis and treatment of these ailments,

(b) Visit to urologist Adam Janusz Kwinta in Krakow, Poland, in November 2014—when I began to describe the context of the visit, i.e. the events of January 2014 and the serious problems with the genitourinary system resulting from them, he first repeated several times that I should resign from consulting him and leave his office, then issued a false diagnosis, i.e. that nothing is wrong with me,

(c) Magnetic Resonance Imaging test of pelvis conducted at iMed24 Medical Center in Krakow, Poland, in December 2014, where I was referred by a different urologist to conduct comprehensive examination of pelvis including kidneys—the report I received from this examination only concerns “smaller pelvis”, with no urinary bladder nor kidneys nor left groin area covered, and the DICOM data from this test is a fraction (about 1/10) of the data I received from other Magnetic Resonance Imaging tests conducted outside Poland, in which scarring in the left groin is clearly visible,

(d) Comprehensive tests and consultations which were supposed to be conducted at the UroKlinikum Clinic in Prague, Czech Republic, in December 2015—the subject of the medical negligence lawsuit, attached hereto,

(e) Comprehensive diagnostic imaging tests at the Apollo Hospital in New Delhi, India, in March 2018—which was the subject of the medical negligence lawsuit, attached hereto.

15. Refusal to conduct tests took place in at least three cases:

(a) Visit to urologist Adam Janusz Kwinta in Krakow, Poland, in November 2014—as mentioned above,

(b) Comprehensive tests and consultations which were supposed to be conducted at the UroKlinikum Clinic in Prague, Czech Republic, in December 2015—the subject of the medical negligence lawsuit, attached hereto,

(c) Comprehensive diagnostic imaging tests at the Apollo Hospital in New Delhi, India, in March 2018—which was the subject of the medical negligence lawsuit, attached hereto.

16. Refusals to conduct medico-legal opinions and any necessary examinations to supplement the documentation in this case by medico-legal experts and medical institutions in Poland took place on more than 20 occasions only in 2017.

Statement of the facts (continued)

60.

17. 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.

18. Twice, in 2016 and 2017, in preparatory criminal proceedings concerning the appropriation of my property by a person from whom I received an SMS message (“may you never have any offspring”) few days before the events of January 2014, Krakow law enforcement authorities relieved the suspect of any criminal responsibility by interrogating him in the form of a memorandum note—without taking an oath—then refusing to initiate an investigation, while at the same time stating that the criminal threats expressed in that SMS message few days before events of January 2014 and fulfilled by these events “do not constitute a criminal act”.

19. On the basis of new and significant evidence I collected since events of January 2014, on January 9th 2018 I filed a notification of a crime under articles 156 §1, 157 §1, 160 §1, 162 §1, 192 § 1 and 193 of the Polish Penal Code, and invoked violations of articles 2, 3, 6 and 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

20. In that notification of a crime filed on January 9th 2018 I correctly indicated the legal classification of the criminal acts committed against me and the procedural nature of the document submitted by me as a notification of a crime was evident:

- (a) It concerns completely different acts, including act classified under article 192 §1 of the Polish Penal code (Conducting medical procedure without consent), committed by different persons, at a different time,
- (b) It establishes a set of new and significant evidence to support claims made, including set of medical documentation undeniably confirming involvement of 3rd parties in these events and corroborating all of the physical symptoms present to this day, i.e. multiple puncture wounds in left groin area and directly connected to them damage to the genital, urinary and nervous systems.

21. The gross violations of procedural obligations and omissions committed by the Krakow law enforcement authorities following filing of the notification of a crime on January 9th 2018 are a continuation of the same actions as in the course of proceedings in 2014, i.e. deliberate concealment of a crime:

- (a) Failing to recognize the obvious violations and omissions in preparatory proceedings following filing of a notification of a crime on February 28th 2014,
- (b) Rejecting the request for exclusion of Krakow-Krowodrza District Prosecutor's Office due to violations and omissions committed in 2014 and appointing the same exact prosecutor who committed these violations and omissions,
- (c) Completely ignoring the new and significant evidence attached to the notification of a crime filed on January 9th 2018, including medical documentation and communications from that time certified by IT forensics specialists,
- (d) Erroneously classifying the procedural nature of the notification of a crime filed on January 9th 2018 as motion to re-open investigation in case concerning notification of a crime filed on February 28th 2014, despite the fact that neither persons nor acts indicated in that new notification of a crime—including conducting of medical procedure without consent—were of interest or criminal-law reference for Krakow law enforcement authorities in proceedings concerning notification of a crime filed on February 28th 2014,
- (e) Failing to re-open investigation in case concerning notification of a crime filed on February 28th 2014 following the erroneous classification of this new notification of a crime filed on January 9th 2018 as motion to re-open investigation—despite providing new and significant evidence, invoking different articles, mentioning different persons, and, most importantly, the gross violations and omissions committed by Krakow law enforcement authorities in the preparatory proceedings following filing of a notification of a crime on February 28th 2014; developed in the enclosed annex.

22. From the documentation collected, and above all, the gross violations of procedural obligations and omissions committed by Krakow law enforcement authorities and medical doctors, it appears that a medical procedure was performed without my consent, and these errors and omissions were deliberate as an attempt to hide the fact that I underwent a medical procedure to which I never gave my consent. The events of January 2014 were premeditated and what happened took place with the authorization, help or tacit approval of public officials of the Polish state.

23. I have never committed any criminal offense, my criminal record is completely clear, and my natural rights have never been legally restricted in any way.

F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments

61. Article invoked Article 2 (“Right to life”)	<p>Explanation In the notification of a crime I filed on January 9th 2018, in addition to the Polish Penal Code articles, I invoked the Article 2 (“Right to life”) of the Convention for the Protection of Human Rights and Fundamental Freedoms.</p>
	<p>The criminal negligence on part of Polish public officials and the apparent interference of Polish state in conducting proper medical examinations, establishing comprehensive medical diagnosis and supplementing documentation of this crime committed against me with proper medico-legal documentation, took place multiple times and lasted for well over 5 years now.</p>
	<p>I was only able to conduct the proper medical examinations and establish comprehensive diagnosis in Austria, Vienna, in Belgrade, Serbia, and in India, New Delhi, and even there negligence due to the apparent lies being told and/or interference of Polish state led to separate negligence lawsuits, attached hereto.</p>
	<p>These actions:</p> <ul style="list-style-type: none"> (a) significantly delayed establishment of comprehensive diagnosis of my health condition, (b) significantly delayed undertaking of necessary treatment when more treatment options were available and my injuries could be repaired and reversed more easily, (c) significantly contributed to possibly permanent, irreversible damage to genitourinary as treatment options available at this point in time might not fully bring back all the functions of genitourinary, thus due to this mutilation affecting these most intimate parts of my body I am not able to have healthy sexual intercourse, (d) significantly delayed supplementation of evidence—proper medical documentation being most important—in criminal case to investigate cause of these permanent bodily injuries, thus significantly delaying prosecution, (e) significantly prolonged physical suffering because of pain I had to deal with on a daily basis related to neurological and genitourinary symptoms thus significantly contributed to continued grossly deficient quality of life, (f) significantly prolonged and deepened mental and emotional suffering.
Article 3 (“Prohibition of torture”)	<p>In the notification of a crime I filed on January 9th 2018, in addition to the Polish Penal Code articles, I invoked the Article 3 (“Prohibition of torture”) of the Convention for the Protection of Human Rights and Fundamental Freedoms.</p>
	<p>The events of January 2014 resulted in injuries which concern most intimate parts of my body and are a result of a medical procedure conducted without my consent.</p>
	<p>The subsequent numerous attempts at covering up this crime by Polish law enforcement authorities—following filling of notifications of a crime on February 28th 2014 and January 9th 2018, as well as two other related cases in 2016 and 2017—as well as the the apparent interference of Polish state in conducting proper medical examinations, establishing comprehensive medical diagnosis and supplementing documentation of this crime committed against me with proper medico-legal documentation, lasted for well over 5 years now.</p>
	<p>These actions clearly show Polish state is not only criminally negligent but is preventing me from properly exercising my natural rights and deliberately suppressing information about these events, which falls under the definition of violations due to lack of an effective investigation.</p>
	<p>Considering the extent of suffering and possibly irreversible damage these crimes, lasting 5+ years already, caused, they clearly constitute inhuman or degrading treatment.</p>

Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments (continued)

62. Article invoked Article 3 ("Prohibition of torture") - continued	<p>Explanation As noted in "Guide to Jurisprudence on Torture and Ill-treatment" (http://www.apt.ch/content/files_res/Article3_en.pdf):</p> <p>(...) 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" (...)</p>
	<p>As Honorable Court noted in case of Zhyzitskyy V. Ukraine, no. 57980/11, §48-50, ECHR 2015:</p> <p>(...) 48. The Court emphasises that where an individual raises an arguable claim that he has been seriously ill-treated in breach of Article 3, that provision (...) requires by implication that there should be an effective official investigation (...). Thus the authorities must always make a serious attempt to find out what happened and should not rely on hasty or ill-founded conclusions to close their investigation or as the basis for their decisions (...)</p> <p>(...) 50. The Court notes that the applicant complained to the prosecuting authorities about ill-treatment on 8 May 2007. His allegations were partly supported by the forensic medical examination report of 7 June 2007. Nevertheless, the prosecution authorities refused on six occasions to instigate a criminal case regarding this matter. (...) The domestic authorities do not seem to have made any meaningful efforts to establish the origin of the injuries on the applicant's genitals (...) Furthermore, the applicant was never assigned victim status and was never questioned in that capacity. (...)</p>
Article 6 ("Right to a fair trial")	<p>In the notification of a crime I filed on January 9th 2018, in addition to the Polish Penal Code articles, I invoked the Article 6 ("Right to a fair trial") of the Convention for the Protection of Human Rights and Fundamental Freedoms.</p> <p>The result of criminal negligence and the apparent multiple cover up attempts of Polish law enforcement authorities—following filling of notifications of a crime on February 28th 2014 and January 9th 2018, as well as two other related cases in 2016 and 2017—constitutes denial of my right to a fair trial and compensation for great damages incurred. The cost of nerve restoration surgery alone is 17 000 EUR, as per the report from neurologist and plastic surgeon, attached hereto.</p> <p>The cost of being forced to conduct medical examinations outside Poland due to interference of Polish state adds to this twice that amount. The cost of fully restoring all of the functions of genitourinary is possibly even larger if at all possible. The extra time and energy I had to spend to maneuver around these artificial restrictions and unlawful interference of Polish state cost me my professional and personal time. This has lasted for over 5 years now.</p>

G. Compliance with admissibility criteria laid down in Article 35 § 1 of the Convention

For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the six-month time-limit.

63. Complaint	Information about remedies used and the date of the final decision
<p>“Complaint for infringement of a party’s right to hear the case in preparatory criminal proceedings without undue delay”</p>	<p>Since filling of the notification of a crime on January 9th 2018 for 5 months none of the actions required by the Polish Code of Penal Procedure or the binding regulations of the Polish Ministry of Justice following the receipt of a notification of a crime were carried out—that is, none of the letters I received from law enforcement authorities were a decision to initiate or a refusal to initiate criminal investigation. Therefore, on June 5th 2018, I filed “Complaint for infringement of a party’s right to hear the case in preparatory criminal proceedings without undue delay”.</p>
	<p>Despite the seriousness of this issue, first and foremost the permanent bodily injuries as well as the criminal negligence in investigations thus far and the apparent multiple cover up attempts of Polish law enforcement authorities—following filling of notifications of a crime on February 28th 2014 and January 9th 2018, as well as two other related cases in 2016 and 2017—and Polish physicians, the court took side with law enforcement authorities and denied initiating criminal investigation regarding notification of a crime filed on January 9th 2018.</p>
	<p>Court's decision was delivered to me on November 22nd 2018, as per the attached delivery confirmation.</p>

I. List of accompanying documents

You should enclose full and legible copies of all documents. No documents will be returned to you. It is thus in your interests to submit copies, not originals. You MUST:

- arrange the documents in order by date and by procedure;
- number the pages consecutively; and
- NOT staple, bind or tape the documents.

70. In the box below, please list the documents in chronological order with a concise description. Indicate the page number at which each document may be found

1.	Diagnoses and recommendations issued by physician who lead candidiasis treatment in year 2013, during visits in May, November and December 2013, along with bills for medications prescribed	p.	1-4
2.	2-year business contract started less than 3 months before the events of January 2014	p.	5-11
3.	Rental agreement for flat located at Szymanowskiego 5/10 in Krakow, Poland, where the events of January 2014 took place	p.	12-15
4.	Criminal background check certificate from January 7, 2014	p.	16
5.	Documentation regarding visits to the Medicover Medical Center in Krakow, Poland, on January 16 and 22, 2014, during which doctors ordered examinations and medicines that had nothing to do with the symptoms described	p.	17-18
6.	Report from Ultrasound examination of urinary tract, conducted on January 29, 2014	p.	19-21
7.	Termination of 2-year business contract started less than 3 months before the events of January 2014, rendered shortly after these events	p.	22
8.	Address box rental agreement for the Karmelicka 55, Krakow address, along with terms and conditions and authorization documents, which clearly do not authorize accepting mail from law enforcement in my name	p.	23-30
9.	Termination of rental agreement for flat located at Szymanowskiego 5/10 in Krakow, Poland, where the events of January 2014 took place, rendered shortly after these events	p.	31-32
10.	Decision refusing to initiate an investigation on the grounds that candidiasis is the cause of the observed permanent bodily injuries, dated April 14th 2014	p.	33-34
11.	Photograph from case file 2 DS 385/14, i.e. an article from Wikipedia on the basis of which Krakow law enforcement authorities issued their "medical opinion"	p.	35
12.	Photograph from case file 2 DS 385/14, confirmation of acceptance of registered mail containing decision refusing to initiate an investigation, signed by a person unauthorized to receive it	p.	36-37
13.	E-mail message received from Mr. Tomasz Gibas on November 5, 2014 regarding the alleged "failed surgery"	p.	38
14.	Documentation concerning the erroneously performed pelvic magnetic resonance imaging examination at the iMed24 Medical Center in Krakow, Poland on December 12, 2014	p.	39-41
15.	Criminal background check certificate from October 22, 2015	p.	42
16.	Report from Ultrasound examination of urinary tract, conducted on January 11, 2016	p.	43-46
17.	Criminal background check certificate from February 9, 2017	p.	47
18.	Protocol of securing SMS communication which took place in the period between December 2013 and end of March 2014, performed by IT forensics specialists in August 2017, along with invoice and acceptance protocol	p.	48-56
19.	SMS messages incoming from / outgoing to number +48512355495, from December 28, 2013, a few days before the described events, certified by IT forensics specialists in August 2017	p.	57-58
20.	SMS messages incoming from / outgoing to number +48503990172, in the period from 18/12/2013 to 14/01/2014, certified by IT forensics specialists in August 2017	p.	59-61
21.	SMS messages incoming from / outgoing to number +48721030078, in the period from 04/03/2014 to 30/03/2014, certified by IT forensics specialists in August 2017	p.	62-63
22.	Affidavit issued by physician who lead candidiasis treatment in year 2013, stating that candidiasis is not the cause of the observed bodily injuries and damage to genitourinary	p.	64
23.	Notification of a crime under art. 156 §1, 157 §1, 160 §1, 162 §1, 192 § 1 and 193 of the Polish Penal Code, and art. 2, 3, 6 and 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, filed on 2018.01.09	p.	65-74
24.	Request for exclusion of prosecutors of the Regional Prosecutor's Office, filed along with new notification of a crime on January 9th 2018	p.	75-77
25.	Report from Computed Tomography examination of pelvis, conducted on February 13, 2018	p.	78

Any other comments

Do you have any other comments about your application?

71. Comments

Also attached are:

1. Annex to section E. Statement of the Facts
2. Annex to section I. List of accompanying documents

Declaration and signature

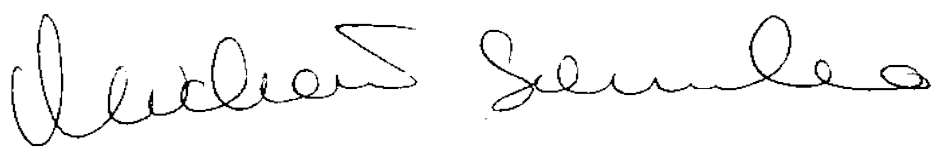
I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

72. Date

2	1	0	5	2	0	1	9	e.g. 27/09/2015
D	D	M	M	Y	Y	Y	Y	

The applicant(s) or the applicant's representative(s) must sign in the box below.

73. Signature(s) Applicant(s) Representative(s) - tick as appropriate



Confirmation of correspondent

If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond. Where the applicant is represented, the Court will correspond only with the representative (lawyer or non-lawyer).

74. Name and address of Applicant Representative - tick as appropriate

Empty form area for name and address of correspondent.

The completed application form should be signed and sent by post to:

The Registrar
 European Court of Human Rights
 Council of Europe
 67075 STRASBOURG CEDEX
 FRANCE

