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**IAAPA Sekcja Polska**  
International Association Against Psychiatric Assault  
**Międzynarodowe Stowarzyszenie Przeciwko Przemocy Psychiatrycznej**

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IAAPA Sekcja Polska, Grefswalder Str. 4, 10405 Berlin

**Secretariat of the CPT  
Council of Europe  
67075 Strasbourg Cedex  
France**

**per E-Mail: [cptdoc@coe.int](mailto:cptdoc@coe.int)**

**IAAPA Sekcja Polska**  
Międzynarodowe Stowarzyszenie  
Przeciwko Przemocy Psychiatrycznej

Greifswalder Str. 4  
10405 Berlin  
Tel.: +49 30 499 11 393  
Mail: [iaapa-polska@freenet.de](mailto:iaapa-polska@freenet.de)  
WEB: [www.anty-psychiatria.info](http://www.anty-psychiatria.info)

Bank:  
IAAPA, Deutsche Bank Berlin  
Nr Konta: 077771400  
BLZ: 100 700 00  
IBAN: DE24 1007 0000 0077 7714 00  
BIC: DEUTDE33XXX  
**Verwendungszweck: IAAPA POLSKA**

Berlin, 14. Februar 2011

**OPEN LETTER**

Ladies and Gentlemen!

In view of the alarming situation of persons who are victims of psychiatry in the Republic of Poland, we request an inspection in the form of immediate intervention by the CPT in this sector.

In view of the information coming to our office in Berlin about the systematic abuse and human drama as a result of the violation of fundamental human rights by Polish psychiatrists who practice outside of the law. We believe that it has become necessary to carry out thorough checks of Polish psychiatric facilities, especially after the latest report of torture broadcast on TV.

We have continuously received information, increasingly also reported by the media, that the abuse of power and the use of violence in psychiatry for profit as well as for "education" purposes, seem to be commonplace in Polish psychiatry (e.g. the issuing of false judgments of incapacitation which are used later in the process of property claims, political-administration self-interest, etc.; torturing patients with high doses of neuroleptics or saline, etc.)

What is worrying is the large scale of this phenomenon, where a psychiatrist is above the law and applies drastic measures of torture, thereby depriving the individual of his human dignity, often leading to total loss of mental health and a permanent disability. Consequently, such actions result in a lifetime exclusion of "patients" from society and their family. Most of such incidents occur under "one roof" of a hospital with false "medical" opinions issued by doctors from neighboring departments. This is very dangerous for society, because anyone can become a victim of psychiatrists' dishonest practices. This is a serious threat to the principles

of democracy, freedom and rule of law, where the priority is man's inherent right to dignity and freedom.

We believe that in most cases, the practice carried out by psychiatrists in detention centers is inhumane and contrary to the present system of international protection of human rights. Individuals targeted for involuntary psychiatric treatment as a rule are routinely legally incapacitated by way of family courts decisions which are final, often on the basis of fictitious medical records.

We note that persons who are diagnosed with "mental disorder" or "mental illness" do not have any right to a fair hearing before the family courts in Poland. There is no known compulsory advocate, or defense counsel, that can defend such a person from arbitrary psychiatrists and be able to show the truth in the civil proceedings before the family court. The regular proof hearings are not carried out, seeking to ascertain the actual state of events, and invariably it is the notes made by the psychiatrists on the basis of which it is decided to place a person in forced incarceration. In accordance with Article. 6 of the ECHR, everyone should have the right to a fair trial, and this should of course also apply to those who are involuntarily incarcerated by psychiatrists. Furthermore, this is an area where there is a serious risk of corruption. In fact, it is easy to justify their opinions using fictitious data in order to obtain an order for forced treatment from a family court. In these situations, a person without a defense counsel are completely defenseless and can easily fall victim to unfair procedures. The right to a fair trial, and so legally fair treatment of people also follows from Article. 47 of the Charter of Fundamental Rights of the European Union. The right to defense is a fundamental right of law.

We note that when the well-known reporter for the Polish Television TVP1 ("The Case for the Reporter"), intervened in a psychiatric hospital (in Starogard Gdanski) at the request of several relatives, she said: "We saw a view of the world presenting a hell on earth. ... injections as punishment, locking up in solitary confinement for several months, restraining straps for a month, beating, placing patients barefoot in the snow and freezing weather, insults and humiliation - all evidence that there is deliberate torture.

Unfortunately, such a shocking and unacceptable situation in the light of international human rights is becoming routine in Poland, as there is no control of state bodies in these facilities. The institution of the Ombudsman for Patients' Rights and the recourse to a judicial review is a sham. Neither the police, nor the prosecutor have the power to intervene, even in situations where a person is involuntarily held by psychiatrists, often based on a psychiatrist's own, handwritten notes, containing fictional descriptions of behavior or demeanor caused by narcotics that are, if necessary, administered by coercion. None of these individuals have any chance of proving the truth and to assert their rights in proceedings before the family courts. No one explores what really happens behind the closed walls of the psychiatric centers in Poland. Often healthy people, seeking only temporary support in difficult times, have been arbitrarily locked up and subjected to forced "treatment" by forced administration of addictive, rehabilitative chemical substances. Many of these people are inhumanly subjected to degrading punishment and treatment. This does not lead to research as to the consequences of such inhumane methods of treatment. Humans are drastically deprived of their natural rights and humanity.

We are of the opinion that this situation requires the immediate intervention of the CPT. We therefore request that you carry out meticulous checks as well as ensuring a fair investigation into this matter so that the persons applying the abuse under the umbrella of psychiatry are

held criminally liable.

According to the definition adopted by the Convention of the United Nations General Assembly on 10 December 1984 on "Torture and other Cruel, Inhuman or Degrading Treatment or Punishment," psychiatric coercive "treatment" is subject to this criteria. "Patients" in psychiatric prisons are subjected to great physical pain and mental suffering primarily by forced administration of electric shocks and the forced administration of pharmaceuticals. Such treatment comes under the guise of fictitious diseases or mental disorders in various centers throughout Poland.

We want to draw attention to the condition of the buildings in which they are locked up and often under inhumane living conditions. Lack of adequate nutrition, personal hygiene, overcrowding in dorm rooms, housing of persons with transitional neurotic disorders or depression together with people who are accused of serious crimes.

Practice shows that in psychiatry, forced "treatment" is used deliberately. Torture used in psychiatry is aimed at forcing the 'patient' to admit to "mental illness" and thus achieve "compliance" (= the patient's consent to the diagnosis and treatment options offered by psychiatry). People who do not accept the "treatment" are to be brought into submission, and appear willing to accept forced "treatment." This is the only option that awaits a person brought to the psychiatric units in Poland; labeling people "mentally ill" is equal to discrimination, because it condemns them to lifelong exclusion from society. These people are doomed to a life of pain and suffering in closed units, which rely on the arbitrary opinion of psychiatrists without any ethical boundaries of medicine.

These sufferings are caused by the consenting authorities. The torture practiced by psychiatry are not isolated cases or sporadic abuse of powers and sovereignty by the psychiatric staff, standing outside the law in Poland. I regret to say that they have become the rule in closed facilities. In the eyes of society and the ruling powers, there is the illusion that the use of large-scale psychiatric coercion "treatments" have a legal standing. The Polish judicial system, without examining these cases, gives the appearance of legality of such acts.

On the basis of the UN Convention on Human Rights of Persons with Disabilities, all psychiatric coercive measures are a criminal offense if they are used against the wishes of the person concerned. Article 14 of the Convention requires that "disability can not justify in any case the deprivation of liberty", which was already defined in the Universal Declaration of Human Rights, as well as the European Convention on Human Rights and psychiatric measures may be considered as a serious human rights violation, especially the denial of human dignity and the right to liberty, health and life, the most valuable assets of every individual.

We remind you that the Polish government is bound by the international human rights system, the UN, the Council of Europe and the European Union. Given the many victims of Polish psychiatry and to prevent further incidents of abuse allowing psychiatric coercion, we petition that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment takes immediate action against the special laws "for the Protection of mental health," by the Polish government and other governments of the Council of Europe, signature of the UN Convention on Human Rights of Persons with Disabilities. It is also necessary to disclose past abuse in psychiatry and the inhumane "treatment" used there under this misleading term.

Only restoring the freedom of imprisoned individuals can help the obtaining of data from medical records to thoroughly analyse the cases in order to reveal the truth: namely, what really goes on behind the guarded walls of the closed psychiatric hospitals in the age of the twenty-first century, the millennium of the humanization of the law. It is also important to clarify the situation of people diagnosed with "mental illness", who need immediate help and rehabilitation and this is necessary in order to prevent further imprisonment of defenseless people.

It is also a very important issue from the medical, psychological and ethical point of view to provide support for those who seek such assistance in difficult life situations. Such people need fostering of their health conditions. So they should have the right to use friendly and therapeutic medical care to integrate them into society and create the conditions in which they could realize their vital needs in the community.

Polish IAAPA Section

This open letter was signed from:

- Commission on Human Rights at the Supreme Council of the Bar Association
- Association of "Citizens against lawlessness "
- Polish Society for Integrative Psychotherapy
- Polish Society for Rights Education
- National Association of the Social Movement for Victims of Judicial Authorities - Stop the Lawlessness - Lublin
- Werner-Fuss-Center
- National Association of Psychiatric Survivors
- Regional Association of Psychiatric Survivors Berlin-Brandenburg eV
- Lunatics-Offensive e.V.