

Warszawa, dnia 28 września 2018r.
Rada do Spraw Uchodźców

za pośrednictwem
Szefa Urzędu do spraw Cudzoziemców
Departament Legalizacji Pobytu
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sygn. sprawy: DPU.420.1161.2018

Supplemental documentation submitted with a appeal letter to refugee Board

CONCERNS ODWOŁANIE OD DECYZJI SZEFA URZĘDU
DO SPRAW CUDZOZIEMCÓW Z DNIA 5 WRZEŚNIA 2018R.,
SYGN. SPRAWY DPU.420.1161.2018 O UMORZENIU
POSTĘPOWANIA

I add to original appeal used against the decision of the Head of the Office for Foreigners(**decision made on September 5, 2018, reference number DPU.420.1161.2018**) also this very document which should serve as supplement to original appeal with detailed explanation on why EU's protocol number 24(**no right to apply for political asylum/protection in EU member state if citizen of**

another EU member state) is completely invalid(illegal) and how Polish Head of the Office for Foreigners has even violated Polish constitution with his decision.

#1 REFERENCE TO VIOLATIONS OF POLISH CONSTITUTION

1) Gross violation of art. 7, 77, k.p.a. by omitting any assessment of the evidence gathered in the case:

Kodeks postępowania administracyjnego <https://goo.gl/HCH5Ar>

Art.7. k.p.a In the course of the proceedings, public administration bodies shall uphold the rule of law and take all necessary steps to thoroughly explain the facts and to settle the matter, bearing in mind the public interest and the legitimate interest of citizens.

Kodeks postępowania administracyjnego <https://goo.gl/dw28eL>

Art. 77. § 1. k.p.a The public administration body is obliged to comprehensively collect and consider all evidence.

2) Gross violation of art. 107 § 3 k.p.a. by the lack of any justification regarding the facts of the case:

Kodeks postępowania administracyjnego <https://goo.gl/USFWDe>

Art. 107 § 3. k.p.a The factual rationale of the decision should, in particular, indicate the facts that the authority found to be evidenced, the evidence on which it was based, and the reasons for which other evidence refused to be credible and probative, and the legal justification – clarification of the legal basis of the decision, citation of the law.

3) Gross violation of art. 105 § 1 k.p.a. by unjustifiably discontinuing the proceedings in question:

Kodeks postępowania administracyjnego <https://goo.gl/ZZnP6e>

Art. 105 § . When the proceedings for any reason become pointless in whole or in part, the public administration body issues a decision to discontinue the proceedings in full or in part, respectively.

Note in respect to violations of Polish constitution:

Nothing has been done so far in respect to Art. 7 k.p.a and Art. 77. § 1. k.p.a, Art. 107 § 3 k.p.a. as required by Polish constitution and art. 105 § 1 k.p.a. was even

*misused to unjustifiably discontinue here
mentioned proceeding in question.*

#2 REFERENCE TO
PARADOX (CONTROVERSIAL) WHICH
CONCERNS EUROPEAN
UNION'S PROTOCOL NUMBER
24 (Document 12008E/PRO/24 - no
right for EU citizens to apply
for political asylum/protection
in another EU member state) KNOWN
ALSO AS CONSOLIDATED VERSION OF
THE TREATY ON THE FUNCTIONING OF
THE EUROPEAN UNION WHICH IS USED
WITH SOLE PURPOSE AND THAT IS TO
VIOLATE BASIC RIGHTS OF EUROPEAN
UNION'S CITIZENS - USED TO
PROHIBIT EU CITIZENS EVEN FROM
WHAT IS GRANTED TO THIRD WORLD'S
IMMIGRANTS TO EUROPEAN UNION IN
RESPECT TO LIFE PROTECTION.

PROTOCOL NUMBER 24

<https://goo.gl/SUGhQF>

PROTOCOL (No 24)

ON ASYLUM FOR NATIONALS OF MEMBER STATES OF THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

1) WHEREAS, in accordance with Article 6(1) of the Treaty on European Union, the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights,

2) WHEREAS pursuant to Article 6(3) of the Treaty on European Union, fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, constitute part of the Union's law as general principles,

3) WHEREAS the Court of Justice of the European Union has jurisdiction to ensure that in the interpretation and application of Article 6, paragraphs (1) and (3) of the Treaty on European Union the law is observed by the European Union,

4) WHEREAS pursuant to Article 49 of the Treaty on European Union any European State, when applying to become a Member of the Union, must respect the values set out in Article 2 of the Treaty on European Union,

5) BEARING IN MIND that Article 7 of the Treaty on European Union establishes a mechanism for the suspension of certain rights in the event of a serious and persistent breach by a Member State of those values,

6) RECALLING that each national of a Member State, as a citizen of the Union, enjoys a special status and protection which shall be guaranteed by the Member States in accordance with the provisions of Part Two of the Treaty on the Functioning of the European Union,

7) BEARING IN MIND that the Treaties establish an area without internal frontiers and grant every citizen of the

Union the right to move and reside freely within the territory of the Member States,

8) *WISHING* to prevent the institution of asylum being resorted to for purposes alien to those for which it is intended,

9) *WHEREAS* this Protocol respects the finality and the objectives of the Geneva Convention of 28 July 1951 relating to the status of refugees,

10) *HAVE AGREED UPON* the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Sole Article

Given the level of protection of fundamental rights and freedoms by the Member States of the European Union, Member States shall be regarded as constituting safe countries of origin in respect of each other for all legal and practical purposes in relation to asylum matters. Accordingly, any application for asylum made by a national of a Member State may be taken into consideration or declared admissible for processing by another Member State only in the following cases:

(a) if the Member State of which the applicant is a national proceeds after the entry into force of the Treaty of Amsterdam, availing itself of the provisions of Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, to take measures derogating in its territory from its obligations under that Convention;

(b) if the procedure referred to Article 7(1) of the Treaty on European Union has been initiated and until the Council, or, where appropriate, the European Council, takes a decision in respect thereof with regard to the Member State of which the applicant is a national;

(c) if the Council has adopted a decision in accordance with Article 7(1) of the Treaty on European Union in respect of the Member State of which the applicant is a national or if the European Council has adopted a decision in accordance with Article 7(2) of that Treaty

in respect of the Member State of which the applicant is a national;

(d) if a Member State should so decide unilaterally in respect of the application of a national of another Member State; in that case the Council shall be immediately informed; the application shall be dealt with on the basis of the presumption that it is manifestly unfounded without affecting in any way, whatever the cases may be, the decision-making power of the Member State.

End of Protocol #24

AND

European Convention on Human Rights <https://goo.gl/9gKY3V>

1) I cite paragraph #7 of protocol 24 which is in gross violation with European Convention for the Protection of Human Rights and Fundamental Freedoms as well as in gross violation with protocol 24 itself (is contradicting itself) :

"BEARING IN MIND that the Treaties establish an area without internal frontiers and grant every citizen of the Union the right to move and reside freely within the territory of the Member States"

Explanation:

It is not freely when you are blacklisted on job market, not freely when you are prohibited from even visiting state employment agency for job search, where you have no right to unemployment

compensation, not freely where police acts against you with extreme prejudice and even once police is found guilty by court at police station one continues to act against you with most criminal/illegal manners possible, not freely where tortured via psychiatry(almost killed on three occasions) for no less than 5 years due to exercising freedom of expression, not freely where denied the right to domestic court/legal system which is even used against you in most oppressive ways possible in your country, and not freely where denied the right to European Union Court for Human Rights or Ombudsman for no less than 8 years.....not so freely for you to call monster known as “**freely move/reside within EU territory**” as such when in another country where you can “freely” move to and of which language you don't even speak because EU court repeatedly violates your plea for help(for no less than 10 years did EU court violated “freely” in this case), you are not allowed to apply even for what is granted to third world's nationals in respect to basic life protection...

2) I cite paragraph #8 of protocol 24 which is again in gross violation with European Convention for the Protection of Human Rights and Fundamental Freedoms as well as in gross violation with protocol 24 itself(is contradicting itself):

"WISHING to prevent the institution of asylum being resorted to for purposes alien to those for which it is intended,"

Explanation:

IS RELATED TO WORDS ONLY, BUT ONE DOESN'T APPLY
LEGITIMACY OF THOSE EVEN WHEN IT COMES TO
THEORETICAL PART (“wishing” is one thing and law is
something else)....

“*Wishing*” is actually a MUST for European Union's citizens per
European Union or we should say one results in “*no right to apply
for*” (victims of persecution don't have a choice as a result of
"wishing").

WHEN IT COMES TO PRACTICAL PARTS AS IS
EXPLAINED ABOVE “*WISHING TO RESERVE ASYLUM FOR
ALIENS*” AND “*RESIDE FREELY WITHIN THE TERRITORY
OF THE MEMBER STATES*”(HOW COULD IT BE FREELY
WHEN CLAUSE ITSELF IN PROTOCOL 24 ALREADY
SUGGESTS/SPECIFIES CRIME/PROBLEMS WITHIN
VICTIM'S SYSTEM WHICH FORCES ONE TO
ABDICATE/LEAVE LOCATION FOR FOREIGN STATE AND
SINCE LEGAL SYSTEM ITSELF DOESN'T FUNCTION FOR
HIM/HER NOR ON DOMESTIC/STATE AND NOR ON
BROADER EUROPEAN UNION'S LEVEL.... ONE IS
THEREFORE COMPELLED TO ANOTHER EU LOCATION
WHERE CAN'T EVEN BE CONSIDERED EVEN WITH SAME
RIGHTS AS ALIENS ARE. BECAUSE OF “*WISHING to
reserve AND can move freely*” - CLAUSE CONTRADICTS
ITSELF TOTALLY AND IS AS CRIMINAL AS IT
GETS) NOBODY ASKS (such clause is DELIBERATELY missing
protocol 24) PERSECUTED EUROPEAN UNION CITIZENS
ABOUT WHAT THEIR WISH IS IN RESPECT TO “*RESERVE*”.

Nobody asks victims of crime neither as per what they wish for
before and after crime happens to them unless off course you
claim that crime/corruption/criminality doesn't exist on the

territory of European Union what off course clearly suggests on insanity...

Insanity which, however, is still somehow seen by those who have created such law as real/legitimate gesture/answer to needs of European Union's citizens.

3) I cite paragraph #9 of protocol 24 which is in gross violation with European Convention for the Protection of Human Rights and Fundamental Freedoms as well as in gross violation with protocol 24 itself **(is contradicting itself)** :

"WHEREAS this Protocol respects the finality and the objectives of the Geneva Convention of 28 July 1951 relating to the status of refugees,"

Even BASIC 1951 Refugee Convention of United Nations' multilateral treaty is totally violated since one defines who refugee is and which sets out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum !!!

4) I cite the main text and sub paragraph "a" of the "SOLE ARTICLE" pertaining to the paragraph of protocol 24 which is in gross violation **(again contradiction)** with European Convention for the Protection of Human Rights and Fundamental Freedoms as

well as in gross violation with protocol 24 itself(is contradicting itself) as member states have duty not only to provide protection for me as a refugee per 1951 Refugee Convention of United Nations, but to also act accordingly against violator member state as required per Article 7 of the treaty on European Union(it's also why the partial decision of Polish immigration chief Mr. Rafal Rogala to turn this political asylum application down before one was even considered...Mr. Rafal Rogala knows very well what subtext b), c), d) of SUB ARTICLE in Protocol 24 means for Slovenia, Belgrade, and Moscow in this case).

"HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Sole Article's text of Protocol 24 as seen above:

Given the level of protection of fundamental rights and freedoms by the Member States of the European Union, Member States shall be regarded as constituting safe countries of origin in respect of each other for all legal and practical purposes in relation to asylum matters. Accordingly, any application for asylum made by a national of a Member State may be taken into consideration or declared admissible for processing by

another Member State only in the following cases:

(a) if the Member State of which the applicant is a national proceeds after the entry into force of the Treaty of Amsterdam, availing itself of the provisions of Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, to take measures derogating in its territory from its obligations under that Convention;"

I will not even go into subtext of Sole Article b), c), and d) and portion (more about Article 15 is explained bellow) of the Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms since one is mentioned in above paragraph which pertains to Protocol 24.

In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

Explanation:

From European Union perspective, paragraph above attempts to mislead entire European Union deal in respect to rights of its citizens as specified in core proclamation by several countries which have signed Maastricht/Amsterdam deal in 1999 while in reality every EU member state is liable for its wrongdoings..

Even “*work in progress*” issue can be encountered at the end of the page at https://en.wikipedia.org/wiki/Treaty_of_Amsterdam

I cite, “*The Amsterdam Treaty did not settle all institutional questions. Work was still in progress on reforming the institutions to make them capable of operating effectively and democratically in a much enlarged EU.* “ and what makes whole document even more illegal/criminal.

SLOVENIA DIDN'T SIGN TREATY OF AMSTERDAM, BUT HER VIOLATIONS ARE OUTLINED IN BASIC EUROPEAN UNION TREATY COVERING RIGHTS OF ITS CITIZENS.

Further, Slovenia have signed Consolidated Treaty on European Union <https://goo.gl/DDjJBX> (scroll down to Article 52).

In fact, Protocol No. 11 to the European Convention on Human Rights (ECHR) was ratified by all Council of Europe member States - in other words, ratified by all the forty-one Contracting States Parties to the ECHR including Slovenia.

THE BIGGEST STRIKE – THIS PARAGRAPH OF PROTOCOL 24(main text and sub paragraph "a" of the "SOLE ARTICLE") TOTALLY CONTRADICTS EVERYTHING MENTIONED IN THIS DOCUMENT(entire document 12008E/PRO/24 as seen here is annulled as a result of paradox).....

FACTS THAT NUMEROUS LEGAL CASES ON BEHALF OF SLOVENIAN CITIZENS WERE ALREADY CARRIED OUT VIA EUROPEAN UNION'S COURT FOR HUMAN RIGHTS (this is important to note as this alone binds Slovenia just as other member states to the Treaty on European Union and to the Treaty on the Functioning of the European Union - to article #15 basically) AGAINST SLOVENIAN STATE, AND THAT SLOVENIA WAS NOT FACING ARTICLE 15 CRISES OF ANY KIND DURING MOST SEVERE VIOLATIONS OF EU/INTERNATIONAL TREATIES/LAWS USED AGAINST ITS NATIVE CITIZEN, MAKES SLOVENIA LIABLE FOR EVERYTHING STATED ON MY OFFICIAL COMPLAIN <https://goo.gl/ZzLD89>

Above paragraph of Protocol 24 violates : Treaty on European Union, fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms – specifically violates Article 49 of the Treaty on European Union I cite, “*any European State, when applying to become a Member of the Union, must respect the values set out in Article 2 of the Treaty on Union*”(SLOVENIA GROSSLY VIOLATED THIS RIGHT) and Article 6(3) of the Treaty on European Union where it states as explained above on how European Union should/shall respect fundamental rights as guaranteed by European union (related to Rome statute signed on 4 November 1950).

Article 49 of the Treaty (Lisbon Treaty) on European Union states:

Any European state which respects the values referred to in Article 2 and is committed to

promoting them may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application.

Protocol 24 is in violation with Convention for the Protection of Human Rights and Fundamental Freedoms as amended by its protocols No. 11 and No. 14(basic human rights that is) as well as with Article No. 9(guaranteed freedom of thought, conscience and religion which in my case first was created and then violated by Moscow/ Belgrade/ Ljubljana via forms of extreme torture methods from which mentioned parties have even profited economically).

With paragraph 24 and partial decision of Mr. Rogala, 1951 Refugee Convention of United Nations' multilateral treaty was totally violated since one defines who refugee is and which sets out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum !!!

THUS DECLINING ME THE RIGHT TO APPLY FOR POLITICAL ASYLUM AS HUMAN BEING IN ANOTHER MEMBER STATE IS COMPLETELY ILLEGAL AND MOST CRIMINAL ACT POSSIBLE.

EVEN MORE SO CRIMINAL BECAUSE I AM VICTIM OF INTERNATIONAL CONSPIRACY(MKULTRA CASE WHICH LASTED FOR NO LESS THAN 20 YEARS – INTENSIVELY FOR NO LESS THAN 13 YEARS)....CASE WHICH INVOLVES TOP POLITICIANS AND WORLD GOVERNMENTS(incl. Belgium and Germany where I ALREADY applied for political asylum in the past, and have

done in return other than retaliation for my exercising what belongs as basic right to every human being on earth - City of Budapest in Hungary have even stolen my car from Free parking lot" same day when I attempted to apply for political asylum in 2017) WESTERN AND EASTERN EUROPEAN STATES AS WELL AS NORTHERN AMERICA.

Having regard to the above-mentioned complaints, I am asking for the annulment of the contested decision and for the case to be reconsidered by the first instance authority.