

**REPORT**  
on Polygraphic Examination

I carried out polygraphic examination of Mr Daniel Strehlau, whose identity was confirmed on the basis of the identity card no. [REDACTED], issued by the Mayor of the Municipality Warszawa Wilanów on 14<sup>th</sup> January 2002. The examination took place in Warsaw on 20<sup>th</sup> May 2009.

The aim of the examination was to determine what memory and emotional records appear in the nervous system of Mr Strehlau with regard to when he had a complete concept of the Warsaw Jewish Film Festival.

The examination was commissioned by advocate Barbara Kardynia Bednarska.

According to the materials made available to the examiner (record of court proceedings before the District Court in Warsaw, IV Civil Division, of 11<sup>th</sup> September 2008; communication by Mr Mirosław Chojecki to the District Court in Warsaw, IV Civil Division, of 21<sup>st</sup> September 2008; communication by Mr Daniel Strehlau to the District Court in Warsaw, IV Civil Division, of 24<sup>th</sup> September 2008; pleading by Mr Strehlau's advocate to the District Court in Warsaw, IV Civil Division, of 18<sup>th</sup> November 2008), Mr Daniel Strehlau created a concept of organising an international Jewish film festival in Warsaw in May 2003. In the first stage he created the organisational structure of the festival – principles for choosing jury members, establishing contact with international film makers, creating a website, setting forth the competition rules. The website was created in July 2003. Mr Strehlau sent a newsletter containing information about the festival to eight thousand e-mail addresses. At the same time he took action in order to win appropriate sponsors and festival patrons.

On 4<sup>th</sup> August 2003 Mr Mirosław Chojecki, informed by a third person of Mr Strehlau's initiative, sent him an e-mail, suggesting a meeting. During this meeting, which took place on 14<sup>th</sup> August 2003, Mr Chojecki shared with Mr Strehlau details on a film festival he was organising. No action was taken in order to carry out a shared project.

The first edition of the Warsaw Jewish Film Festival, organised on the basis of Mr Strehlau's original concept, took place in November 2003.

On 20<sup>th</sup> December 2003 Mr Chojecki began sending to many persons and institutions a message that he was planning to organise his own Jewish film festival, based on the same formula as and under a name similar to that of the festival created by Mr Strehlau. In April 2004 Mr Chojecki organised a festival with a very similar structure as that of the Warsaw Jewish Film Festival, under a similar Polish name and an identical English name.

A press article by Dorota Szwarcman concerning events on the Jewish subject matter organised in Poland was published in the *POLITYKA* weekly magazine on 6<sup>th</sup> November 2004. The author of the article quoted statements made by Mr Chojecki, according to which two film festivals, organised by Mr Strehlau and Mr Chojecki, respectively, were competing with each other, only that it was Mr Chojecki who had first had a concept for a festival of this kind, while Mr Strehlau had copied this concept and now stated in his flyers that the festival organised by him was his own original idea and work.

During the hearing on 11<sup>th</sup> September 2008 Mr Chojecki testified that he had been developing the concept for a Jewish film festival since 2001. He had contacted numerous persons in this matter, among others Andrzej Wajda and Aleksander Ścibor-Rylski. He had requested financial support from public institutions in 2001. The name "Warsaw Jewish Film Festival" is present in the documents from 2001. He had met with Mr Strehlau, because he had heard that Mr Strehlau had numerous connections in the film milieu and because he had hoped that Mr Strehlau could

help him. Mr Chojecki believes that Mr Strehlau's catalogue resembles the one he himself had shown to Mr Strehlau in August 2003.

## **Psychophysiological basis for polygraphic examinations**

Psychophysiological examinations make use of the fact that the fundamental role in the life forms' adaptation to the environment in which they live is performed by the nervous system. Getting to know the environment, reacting to the stimuli from the environment in a way which is beneficial to the living being, the possibility of moving around in the environment purposefully, adapting the activity of the internal organs to the conditions in the environment – all the above take place through the nervous system.

The environment affects the living creature through certain stimuli, such as the view of objects, sound, smell, touch etc. Significant stimuli, i.e. ones which are distinctly different from others, are permanently recorded in our memory. Also emotions accompanying the stimuli we receive are of substantial importance. The recording in the memory takes place in two ways concurrently. On the one hand, the stimulus itself is recorded, and on the other hand, the emotions which accompanied the stimulus are recorded in a different place. Thus it can be said that any significant event in our lives leaves its permanent trace in our nervous system, and not only in one place. Regardless of whether we are the perpetrator, the victim or a witness, an experienced crime shall leave precisely such a trace.

Affected by the received stimuli, our body prepares us in advance for what is to happen. The "view" of danger triggers off a defence reaction which may forestall the danger or at least increase the chances for effective defence. During the emotional processes the features of the received stimuli are assessed, as well as among others their influence on our safety. If we violate moral norms or criminal law, this fact will be recorded in our memory. Such behaviour is accompanied by emotions caused by the act. The sense of guilt and the fear of disclosure are also of great importance.

The autonomic nervous system regulates the activity of internal organs independently on our will. Emotions we feel cause in our body a series of characteristic changes: quickened heart rate, higher arterial blood pressure, stronger perspiration, release of sugar into the blood, growing adrenaline secretion etc.

One of the stimuli causing various reactions and associations of the conditioned response type are words. During a polygraphic examination, if we ask the examined person a question concerning an event recorded in the person's nervous system, we will cause the reactions described above. In the case of victims or witnesses, who did not violate any legal or moral norms, it usually comes to the identification of the stimulus, here the question concerning a memory and emotional trace recorded in the nervous system of the examined person.

The examination was carried out with the use of a polygraph by Stoelting, which registers:

- \* changes in the breathing rhythm
- \* changes in the heart rate and blood pressure
- \* galvanic skin response.

The examination was carried out with the use of the peak-of-tension test. The following tests were carried out:

- \* the name test (stimulating)
- \* the peak-of-tension test number 1 (the examined person answers 'no' to all questions)
- \* the peak-of-tension test number 1 (silent answers)
- \* the peak-of-tension test number 1 (the examined person replies truthfully)

## **The course of the examination**

The examined person states that he is 38 years old, has higher education, is an independent film maker, on the day of the examination feels ordinarily, does not report any significant complaints, but has very much work and is tired.

According to the examined person, Mirosław Chojecki organised a film festival very similar to his own, used a similar name and other elements almost identical with those in his festival. Mr Chojecki also implied that the examined person had copied Mr Chojecki's idea, since Mr Chojecki had told the examined person about his idea during their meeting in August 2003. It came to an ambiguous situation, an embarrassment, ostracism in the milieu, errors etc. The loss of the good name can lead to very serious consequences. The examined person might meet upon boycott, loss of sponsors etc.

Previously nothing indicated that Mr Chojecki intended to organise a festival on the Jewish subject matter. The examined person found out about the plans of Mr Chojecki only when the realisation of his own project was very advanced. The examined person had a complete concept for his festival as soon as by the end of May 2003. The preparations were in full swing by June 2003 and in July 2003 the examined person requested financial support for the festival from the Ministry of Culture; unfortunately in vain. The examined person first organised his festival in November 2003, while Mr Chojecki only in April 2004.

Mr Strehlau agreed to undergo polygraphic examination and made a suitable statement in writing.

The examination was carried out with the use of the peak-of-tension tests. A traditional peak-of-tension test is structured in the following way: one critical question concerning an important detail of the crime (event) is hidden among other, similar questions. It is assumed that only a person who participated in the event in question should know which question is the critical one. For a person who did not participate in the event all questions ought to appear equally critical. The aim of the test is to determine whether the examined person knows the details of the event which can hardly be known to anyone but the perpetrator.

In the case of the examination of Mr Strehlau all details of the event are very well known to him. Here the aim of the peak-of-tension test will be to confirm (or not) the version of the event presented by the examined person. Reactions to questions referring to the version presented by Mr Chojecki will be compared to reactions to questions referring to the version presented by the examined person. In the confirming tests, questions referring to the version presented by the examined person ought to appear as being of greater emotional significance for this person, as long as such information is indeed recorded in the nervous system.

In order to create the peak-of-tension test, a detail was chosen which appears to be crucial in the assessment of whether the examined person had committed the imputed act.

1. When did Daniel Strehlau have a complete concept for the Warsaw Jewish Film Festival?

Peak-of-tension test no. 1

1. (N1) Are we in Cracow?
2. (N2) Is it Saturday today?
3. (R1) Did you have a complete concept for the Warsaw Jewish Film Festival by April 2003?
4. (R2) By May 2003?
5. (R3) By June 2003?
6. (R4) By July 2003?
7. (R5) By August 2003?
8. (R6) By September 2003?
9. (R7) Did you have a complete concept for the Warsaw Jewish Film Festival later than the dates I have named?

The name test K 0

The examined person is supposed to listen to the questions carefully and reply "NO" to all of them. After the name of the examined person is mentioned (question no. R4), distinct changes in the galvanic skin response are registered. The contact with the examined person is good, the record is clear and does not deviate from the norm in any of the registered parameters.

The peak-of-tension test no. 1 (first presentation) K 1

The examined person is supposed to listen to the questions carefully and reply aloud "NO" to all of them. During the examination the greatest emotional changes appeared from the beginning of the test until question no. 6 (R4), inclusively; from question no. 7 (R5) on the recording calms down.

The peak-of-tension test no. 1 (second presentation) K 2

The examined person is supposed to listen to the questions carefully and reply truthfully in his mind. The examined person is not supposed to say anything aloud. During this examination the greatest emotional changes appeared in the arterial blood pressure when question no. 6 (R4) was asked and in the galvanic skin response when questions no. 3 (R1) and no. 5 (R3) were asked.

The peak-of-tension test no. 1 (third presentation) K 3

The examined person is supposed to listen to the questions carefully and reply to all the questions truthfully "YES" or "NO". During the examination the greatest emotional changes appeared when question no. 5 (R3) was asked. From this question on the recording calms down.

### **Assessment of the behaviour of the examined person**

The examined person behaves calmly, gives full and logical replies. The cooperation goes well, the examined person submits to the examiner's orders.

### **EXPERT OPINION**

During the polygraphic examination of Mr **Daniel Strehlau** the greatest emotional changes appeared when the following questions were asked:

1. Did you have a complete concept of the Warsaw Jewish Film Festival by June 2003?
2. Did you have a complete concept of the Warsaw Jewish Film Festival by July 2003?

The polygraphic examination of Mr **Daniel Strehlau** leads to the recognition that he had a complete concept of the Warsaw Jewish Film Festival before the meeting with Mr Miroslaw Chojecki, which took place in August 2003.

Appendices: copy of the polygram on four sheets.

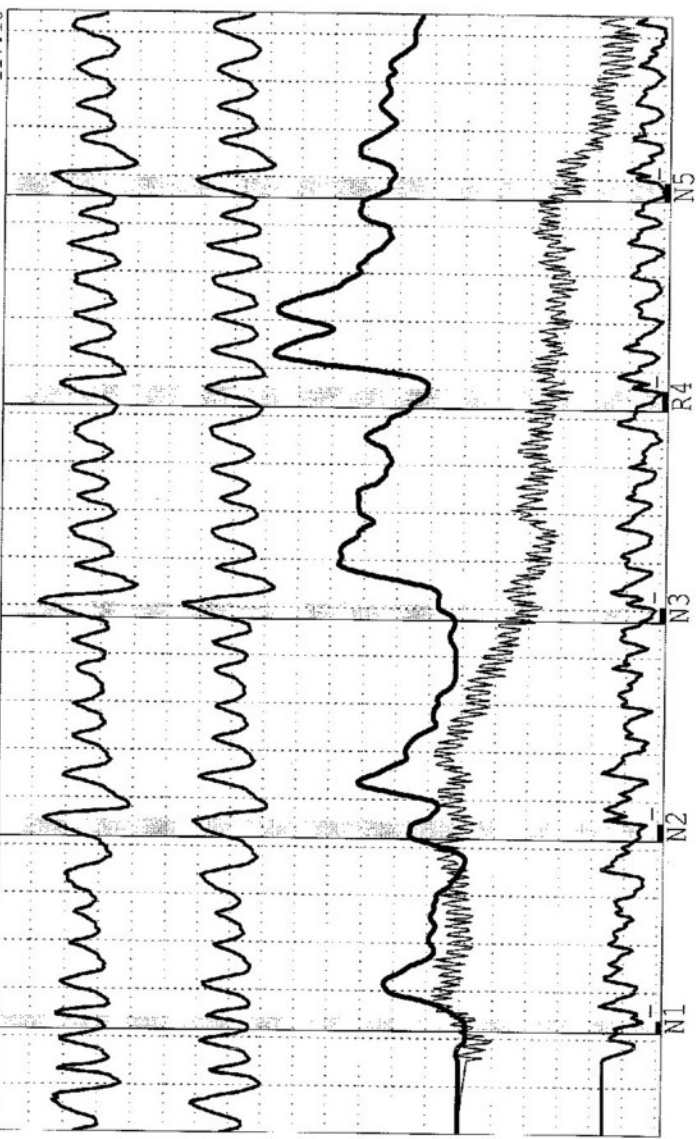
The examination was carried out by

Edward Lewandowski

0.00

STREILAU DANIEL Chart:00 2009/05/20 16:30:57

117.18



N1

N2

N3

R4

N5

