

Canada: Dziekanski inquiry derailed by new evidence of police wrongdoing

Carl Bronski
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A public inquiry into the death by taser of Polish immigrant Robert Dziekanski at the hands of four Royal Canadian Mounted Police officers was abruptly suspended until September by retired judge and inquiry chair Thomas Braidwood, last Friday after stunning new evidence of police wrongdoing came to light.

Braidwood had convened the proceedings to hear final arguments from lawyers representing, among others, Dziekanski's mother, the four police officers, the Royal Canadian Mounted Police (RCMP), and the Polish government.

But before any summations were heard, Braidwood inquiry counsel Art Vertlieb announced that for months the government had had in its possession an email from a top RCMP officer that flatly contradicts the testimony of all four officers before the Braidwood inquiry, but had failed to disclose it.

The email indicates that senior RCMP officials understood that the four officers who participated in Dziekanski's killing had planned, even before arriving on the scene, to taser the immigrant, who had haplessly become lost in the Vancouver airport after a long flight from his native Poland.

The four officers all testified before the Braidwood inquiry that no plan was discussed prior to encountering a frustrated and distraught Dziekanski behind the airport's customs area. Yet less than a minute after their encounter began, Dziekanski lay screaming on the ground, the victim of five taser bursts to his body. He would die shortly thereafter, handcuffed, with the police standing by, indifferent to his suffering and refusing to unlock the restraints so that emergency medical personnel could attempt to save his life. (See: "Canada: Cover-up of RCMP murder of immigrant worker unravels")

The email in question was sent to RCMP Assistant Commissioner Al Macintyre by Divisional Chief Superintendent Dick Bent some three weeks after Dziekanski's death. It stated, "Finally spoke to Wayne (Rideout, the lead RCMP investigator in the case), and he

indicated that the members ... had discussed the response en route and decided that if he did not comply, that they would go to CEW (police jargon for tasing)."

During the entire course of the inquiry no RCMP official, or government lawyer, made mention of this email, which the RCMP had handed over with other evidence to the federal government's legal team last April.

Choking back tears, federal government lawyer Helen Roberts apologized to the inquiry for the failure to bring the email to the attention of Braidwood and the various persons and organizations with standing at the inquiry. She claimed it was an "oversight," not a deliberate attempt to suppress evidence. According to Roberts, the federal legal team had only recently begun to go through a CD-ROM of documents the RCMP had turned over to them in April.

Braidwood, who has presided over proceedings that have seen the exposure of one culpable act after another committed by the RCMP, said he was "obviously appalled" by the suppression of a "highly relevant" email. "The contents of this e-mail," he declared, "must be investigated."

It is now expected that when the inquiry resumes its public hearings September 22 it will question the author and recipient of the email and recall the four officers so as to question them again about their claim that their decision to taser Dziekanski was taken in response to a situation in which they thought their safety was in peril.

Dziekanski's mother, Zofia Cisowski, said the disclosure of the email has confirmed her fears of an RCMP cover-up of the true circumstances surrounding the death of her 40-year-old son.

The RCMP has brushed aside its failure to disclose the email—an email sent to its deputy commissioner from another senior officer and concerning events that had already caused a public outcry—as a routine administrative error. "Unfortunately, in an exercise of this magnitude," said RCMP Commissioner William Elliot, "such an oversight can occur."

A spokesman for the federal Justice Department has blamed the pace of the inquiry for Roberts' failure to

disclose the e-mail prior to last Friday's hearing.

In an interview with the *Globe and Mail*, Don Rosenbloom, who is representing the Polish government at the Braidwood inquiry, scoffed at this claim. "It's preposterous," said Rosenbloom, "to suggest that the inquiry is moving too swiftly for the government and RCMP to give full document production. This phase of the inquiry is now more than five months in duration. The government of Canada has had notice this inquiry would be conducted for over one year."

The memo has come to be viewed by many inquiry observers as a veritable "smoking gun." It constitutes an indictment of the four policemen who killed Dziekanski on October 14, 2007, but also of the RCMP command structure for trying to cover up the officers' actions—actions which demonstrate a wanton and criminally negligent disregard for Dziekanski's life.

Writing on last Friday's events, *Globe and Mail* columnist Gary Mason said "Dziekanski's death is threatening to engulf the RCMP in one of the biggest scandals in its history."

The RCMP has been repeatedly caught out trying to suppress the ugly truths surrounding Dziekanski's gruesome killing.

Had the police had their way, the video recording made by bystander Paul Pritchard

that documents the police murder of Robert Dziekanski would never have become public knowledge. The video recording provoked the public outcry that ultimately forced the British Columbia government to call an inquiry into Dziekanski's death and has repeatedly put the lie to the claims of the four officers as to what happened.

RCMP investigators, arriving on the airport death scene, immediately confiscated Pritchard's video recorder. When his camera was returned, the footage of the police encounter with Dziekanski was missing. Rightly fearing a police cover-up, Pritchard filed a lawsuit, which ended up before the BC Supreme Court. Only then did the RCMP back down, returning the recording to Pritchard at the beginning of November 2007.

While the RCMP sought to prevent Pritchard from recovering the video recording, claiming it was needed for evidence, the aforementioned Superintendent Rideout, the officer charged with investigating Dziekanski's death, never questioned the four officers about the many blatant contradictions between their police statements concerning the tasing of Dziekanski and the events depicted on the video recording.

However, the RCMP did have sufficient money and resources to send investigators to Poland to try to dig up dirt against Dziekanski, whom they have repeatedly insinuated

was a violent drunk.

During the two days immediately following Dziekanski's death, the RCMP issued a series of statements full of errors and lies. These included claims that Dziekanski was "violent," that he "continued to flail and fight" after being felled by the first taser shock, that he was tasered only twice, and that Dziekanski's "vital signs were monitored while waiting for emergency medical personnel."

When the police story began to unravel, the RCMP clammed up. Superintendent Rideout has justified the police's failure to issue any retractions, clarifications or corrections with the claim that he didn't want to further compromise the integrity of the investigation. But this did not stop him from issuing a press release on Nov. 30, 2007, in violation of his own "cease [communicating with the press] directive," that sought to exonerate the police of the charge that they had done nothing to assist the dying Dziekanski. Rideout told the Braidwood inquiry he did so, "from a degree of compassion" for the public, whom he claimed would be "relieved" to learn that the RCMP officers had come to Dziekanski's aid.

In fact the video and testimony before the Braidwood inquiry have proven that the police were callously indifferent to the Polish immigrant worker's fate. No attempt was made to revive the unconscious Dziekanski, even after his skin had begun to turn blue. None of the four officers even checked to see if he was breathing. When a firefighter captain arrived on the scene and asked the police to remove the handcuffs they had placed on Dziekanski so as to facilitate an attempted resuscitation, they refused.

The aforementioned Rideout is at the centre of the controversy surrounding the newly revealed email, since in the email Divisional Chief Superintendent Dick Bent, reporting to RCMP Assistant Commissioner Al Macintyre, asserts that it is from Rideout that he has learned that the four officers had decided on tasing Dziekanski, if he proved uncooperative, before even arriving at the airport.

Predictably, Rideout has proclaimed that Bent got it wrong. His RCMP superior misconstrued what he said. As for Bent, he now claims he can't remember his conversation with Rideout!

So continues the saga of the Canadian state's abuse of Robert Dziekanski and his family.



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