

Held in Swiss jail for two months

Film director Roman Polanski to be freed on bail

David Walsh
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The Swiss justice ministry announced Thursday that it would not appeal a court ruling handed down the day before permitting filmmaker Roman Polanski's release on bail, opening the way for the director to be freed within the next several days. Polanski remains in Switzerland while he awaits the outcome of efforts by US authorities to extradite him to face sentencing in Los Angeles over a 1977 case in which he pled guilty to having sex with a young teenage girl.

The Swiss criminal court's conditions are stringent. Polanski is obliged to post 4.5 million Swiss francs (US\$4.49 million) in cash, surrender his identity and travel documents, and submit to electronic monitoring, while remaining under house arrest in his chalet in the resort town of Gstaad.

In October the court rejected a first appeal for bail without the large amount of cash being pledged. This time, the court, as its statement indicated, "judged that the guarantee of 4.5 million Swiss francs offered by the plaintiff ... should be sufficient to offset the risk of flight still considered to be high. The court calculated that this amount represents a substantial portion of the plaintiff's fortune and that, in view of his advanced age, it is not certain he would be able to accumulate such a sum again, in case of the loss of the guarantee." The judges also took into consideration the fact that Polanski has two underage children to provide for, which would tend to deter him from giving up such a sum by taking flight.

Georges Kiejman, one of Polanski's lawyers, declared himself "very happy" with the criminal court's decision, which "seemed natural" to him.

Mathilde Seigner, told *Le Parisien* newspaper that her sister, Polanski's wife, actress Emmanuelle Seigner, had telephoned her Thursday afternoon to tell her the news. "I cried with emotion, from joy, for my sister. Above all, because it was becoming something difficult to take. I think it's marvelous for Roman. At his age, he needs to benefit from his children. ... I am very happy, relieved."

The filmmaker has already sat more than 60 days in a Swiss prison. Added to the 42 days he spent at California's Chino State Prison in 1977 undergoing psychiatric tests, he has served two weeks more than the sentence initially pronounced by Judge Laurence Rittenband. Polanski fled the US because Rittenband, allegedly guilty of gross misconduct in his handling of the case, threatened to renege on a plea bargain agreement and send the director to prison for a considerably longer period of time.

According to *Le Matin*, a Swiss newspaper, Polanski has been confined to a "rudimentary" cell furnished with a table, a bed, a wall cupboard, a washbasin, a toilet and a television. He has been given tracksuits to wear and five Swiss francs a day in pocket money.

Although the filmmaker says he has been well treated and has nothing to complain about in the conditions, Janusz Morgenstern, a Polish film director and close friend of Polanski's, told a Polish radio reporter that his friend was depressed and had lost about 30 pounds since his arrest September 26.

Morgenstern told the reporter, "His fear of the US verges on panic and he has lived with that fear for so long that it's become obsessive." According to *ABC News*, Morgenstern added that Polanski pulled his children out of school because "other kids were giving

them a hard time” and he wants to try to avoid cameras as much as possible. “Roman wants as little visual documentation of these hysterics as possible,” he added.

Le Figaro, the French daily paper, published an interview November 20 with Hervé Temime, Polanski’s French lawyer. Asked how Polanski was holding up, Temime responded: “He is acting quite bravely in this ordeal, even though he views it as hard and unjust. On the other hand, the situation is terribly difficult to bear for his wife and two children, 11 and 16 years old, who are deeply worried about him.”

Temime explained that Polanski “never wanted to flee his responsibilities [in 1978]. If he left California, it was because he was betrayed by a judge who did not respect the agreement reached between the parties. ... We maintain that Roman Polanski has already served his sentence by submitting ... to psychological tests conducted in a closed environment [prison] over the course of 42 days. In addition, we raise the problem of the statute of limitations, which, if it is not dealt with by the extradition treaty between Switzerland and the United States, unquestionably poses itself in terms of the general principles of law. We insist finally that Mr. Polanski was not the object of a fair trial in Los Angeles.”

At a hearing December 10 in California’s 2nd District Court of Appeal, Polanski’s lawyers will argue for dismissal of the 1977 case on the grounds of misconduct by Rittenband and the prosecutors.

In late October, Samantha Geimer, the then 13-year-old with whom Polanski acknowledged in 1977 that he had had “unlawful sexual intercourse,” once again urged a California appeals court to dismiss the charges against the Polish-French director. Her legal filing noted, “The pursuit [by the media] has caused her to have health-related issues,” and contended that Geimer could lose her job. Her lawyer ended with the request: “Leave her alone.”

Vindictive California authorities and the gutter media, the champions of “victims’ rights” in every other case, have no intention of letting go of the issue. They view the Polanski case as useful in whipping up the most backward layers of the population into a frenzy over “sex offenses.”

Absurdly, and provocatively, following the Swiss federal court’s decision to release Polanski, Interpol

issued a reminder to its 188 member countries that the filmmaker remains the subject of a valid “Red Notice,” or international wanted persons notice. The Interpol message requests that each of the organization’s national bureaus “ensure that border control agencies are also advised of Polanski’s Red Notice status, which is a request for any country to identify or locate an individual with a view to their arrest and extradition.”

Interpol’s Secretary Ronald Noble commented that the bail agreement worked out for Polanski “does not mean that law enforcement lets its global guard down.” Noble failed to explain what possible threat Polanski, an award-winning filmmaker, married for more than 20 years and an instantly recognizable figure, could represent to public safety.

The declamations by American pundits in regard to the Polanski case that “justice, long overdue, must be served” and “no one is above the law” ring hollow in a country whose top political and military officials (and media conglomerate owners) ought to be prosecuted for launching a murderous illegal war in Iraq and leading bankers indicted for looting the economy of trillions of dollars.

As a side note, in light of the current US media indignation over “fugitives from justice,” one might consider the case of Warren Anderson, former chairman of Union Carbide. An explosion at the company’s pesticide plant in Bhopal, India in December 1984 ultimately killed 20,000 people and left another 120,000 physically damaged in the worst industrial accident in history. A 1982 audit warning of 30 major safety hazards had been ignored by Union Carbide officials, including Anderson. Arrested by police during a visit to India, the company chairman jumped bail and flew by private jet back to the US. Anderson now lives in luxury on Long Island. The US refuses to extradite him.



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