

Poland will not extradite Roman Polanski to the US

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A regional court in Krakow, Poland on Friday rejected the efforts of the US government to extradite famed film director Roman Polanski (*Knife in the Water*, *Chinatown*, *The Pianist*), in regard to his conviction in California in 1977 on charges of having sex with an underage girl. The extradition case has been going on for a year.

American authorities requested Polanski's deportation to the US during the director's visit to Poland to attend the opening ceremony of the POLIN Museum of the History of Polish Jews in October 2014.

The regional court judge, Dariusz Mazur, spoke for two hours about the facts of the case, showing considerable familiarity with its details. The judge argued that the Los Angeles prosecutor's office was guilty of committing a serious violation of legal procedure due to the fact that a plea agreement had been reached between the US court and Polanski in 1977. According to the agreement, the filmmaker pleaded guilty to a charge of having sex with a minor in exchange for 90 days of psychological evaluation in prison and dismissal of the remaining charges.

Polanski testified that he left the US out of fear that the judge, Laurence J. Rittenband, who was playing cat and mouse with him, would not abide by the agreement. Rittenband told associates that he planned to throw the book at Polanski, in violation of the plea deal.

Polanski spent a total of 42 days in the state prison at Chino, California, as well as two months in jail in Zurich, Switzerland, where he was arrested in September 2009, followed by several months of house arrest. In July 2010 the Swiss rejected the US effort to extradite Polanski.

A revealing interview with the prosecutor in the original case, included in Marina Zenovich's

documentary, *Roman Polanski: Wanted and Desired* (2008), was admitted by the Polish court as evidence.

According to Judge Mazur, the extradition procedure would mean a long, unlawful and unsuitable jail sentence for an elderly person like Polanski, now 82, and a deprivation of his liberty.

"I find no rational answer to the question: what is the real point of the U.S. extradition request?" commented Mazur in his statement. He added that Poland is obliged to abide by the European Convention of Human Rights and Fundamental Freedoms and that allowing for an extradition would mean being guilty of violating this convention. The court also based its decision on the previous ruling by the Swiss court.

Polanski did not appear in court to hear the decision "due to emotional reasons." At a subsequent press conference, the visibly exhausted filmmaker said: "I am very happy that this case is over and that I put my trust in the Polish judicial system. This case has been a tremendous burden on me; it cost me a lot of time, effort, health and trouble; and it has cost my family even more. Now I can breathe a sigh of relief."

The court proceedings delayed the production of the director's new movie, *An Officer and a Spy*, filmed in Warsaw and based on the anti-Semitic Dreyfus affair in France in the 1890s.

Polanski's lawyers, Jan Olszewski and Jerzy Stachowicz, expressed pleasure at the ruling, stating they were happy their client would be able to continue realizing his personal and artistic plans and that their hard work had ended in success.

Olszewski called the US extradition request unjust. "The determination of the American justice system is surprising and hard to understand in a situation when the victim [Samantha Geimer] has been seeking the case's dismissal for many years; she forgave and

reconciled with him [Polanski] and the punishment agreed on has been more than paid for. The Americans don't play fair, purposely hiding inconvenient facts and exposing the others," he said.

The filmmaker rebutted allegations that he was ready to flee the country in a private airplane. Polanski said he had booked a regular plane ticket to Paris, where he resides, but for a later date. The court's verdict means that the Oscar-winning director, who holds French and Polish citizenship, is now free to stay and travel in Poland. However, the prosecutor's office can still appeal the court's decision.

If the Krakow court had agreed to extradite Polanski, the final decision would have rested with Poland's minister of justice. Since that post will soon be filled by a representative of the far-right Law and Justice (PiS) party, which won the recent parliamentary elections, the director's fate might have been quite different.

PiS leader Jarosław Kaczyński has made it clear that he sides with the US position favoring Polanski's deportation. The former minister of justice (2005-2007) in the PiS government, Zbigniew Ziobro, accused of mafia-like methods of criminalizing and spying on opposition members, declared recently that Polanski should not be treated as though he were above the law and that the director should pay for his "shameful and disgusting" act. "Pedophilia is evil and must be pursued," said Ziobro.

Asked by a journalist if he were afraid the government's appeal might be granted by a Polish court in the future, Polanski answered: "If the decision is on legal grounds, the elements of this case are clearly in my favor. But if the decision is to be a political one, then I should fear it." He stated that he was glad Poland was a country where the judicial system was independent from the government.

There are serious concerns that the newly elected PiS will attempt to abolish the country's tripartite division of power and limit judicial independence by unifying the position of the attorney general with that of the minister of justice and limiting the powers of the national public prosecutor's office.

Los Angeles District Attorney Jackie Lacey, in a stupid and vindictive statement, told the press that her office would continue to pursue Polanski. She claimed that "justice has never been served."



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